criminal mentality. It is high time to free the educational centres from this barbarism. Thank you, Sir.

**डा. कुमकुम राय** (बिहार) **:** महोदय, मैं इस विषय से अपने को सम्बद्ध करती हूं।

. SHRI N.K. PREMACHANDRAN (Kerala): Sir, I associate myself with the sentiments expressed by the hon. Member in his Special Mention. These things should not be allowed to happen in our campuses.

MR. DEPUTY CHAIRMAN: The House stands adjourned for lunch till 2.00 P.M.

*The House then adjourned for lunch at fifty-nine minutes past twelve of the clock.*

*The House re-assembled after lunch at one Minute Past two of the clock.*

MR. DEPUTY CHAIRMAN in the Chair.

**GOVERNMENT BILL**

**The Disaster Management Bill, 2005**

MY. DEPUTY CHAIRMAN: Shri Shivraj Patil to move the Bill.

THE MINISTER OF HOME AFFAIRS (SHRI SHIVRAJ V. PATIL): Sir, I move that the Disaster Management Bill, 2005 be taken into consideration.

DR. BIMAL JALAN (Nominated): Sir, before the hon. Minister introduces the Bill may I just raise a point of order with your permission.

MR. DEPUTY CHAIRMAN: Yes.

DR. BIMAL JALAN: Sir, it is a relatively minor procedural point. It is an extremely important Bill and the Government has done well to accept many of the recommendations of the Standing Committee. You have been so kind as to accept so many recommendations and you have proposed so many official amendments to this old Bill of May that combining this with this for an ordinary reader is not possible because in every page there are two or three or more amendments. So, it would have been better for the convenience of all the Members, for the few Members who want to speak on this and who wanted to speak on this, if

this Bill could have been reproduced with changes. I know officially you would say it is not permissible because these must be passed some rule that you cannot amend this Bill. But how can a Member read it? Please explain to me if you don't have the great staff of the Home Ministry, how do I read it and make sense of these amendments?

SHRI SHIVRAJ V. PATH: These amendments are very simple amendments. In fact, some of the amendments just change the number of the section and the number of the clauses. If (a) becomes (b) then all other becomes (c), (d) and so on. So the numbers may look-very big and yet the numbers are not very big. That is one thing and the second thing is the easiest way to read this kind of Bill is to have the. copy of the original bill and write the amendments in the Bill in red pencil. Now, if you have to say (a) instead of (a) (b) you just say (b) was there. And then, these amendments are very simple amendments. They are not changing the principles or the policies which are mentioned in the original Bill. Some grammatical changes are there. Some numbers are changed. At one or two places, to make the Bill more understandable and to bring about the coordination between the authority and the Government, certain things have been mentioned. Now, these amendments may look very big and many and yet these amendments are very, very simple amendments. Anybody who has read the Bill and the amendments shall have no difficulty, provided he knows the procedure. Now, as per the procedure it is not possible for the Government to produce the amended Bill as such. If it were required, it would not have been difficult for us. We would have just put the words into the body of the Bill and would have produced and given to them. Dr. Jalan, I will help you wherever you want any help. When we discuss the Bill as such, at the third stage, you discuss the principles. When you go to the Clauses, you will take up one-Clause-after-the-other. All Clauses are not taken up for consideration together. This is a simple procedure that we have been following.

MR. DEPUTY CHAIRMAN: It is because of the number of amendments that the Government has introduced, it appears that there is going to be a basic change in the Bill.

DR. BIMAL JALAN: I thank the hon. Minister for explaining that these are not very substantial changes. There are many changes, but not substantial. Now, it has been suggested that somebody could sit with a red pen or pencil and make all the changes and can conveniently read.

What is the great inconvenience, in the future, to the Government of India to circulate the Bill with the amendments in red colour for the convenience of Members? I am just asking this.

MR. DEPUTY CHAIRMAN: Amendments have already been circulated on Friday itself to the hon. Members. The Secretariat has circulated a notice of amendments to the Disaster Management Bill, as introduced in the Rajya Sabha, on Friday. Have you received this?

DR. BIMAL JALAN: Yes, Sir. I have. May I just suggest one thing? In future"; is it possible for the Business Advisory Committee or the great Government of India or the Parliament or the administration to think that when there are so many amendments, for the convenience of the Members, you would incorporate those amendments in red pencil or black pencil and circulate them to the Members?

MR. DEPUTY CHAIRMAN: We will examine it.

SHRI SHIVRAJ V. PATIL: Sir, I would like to submit that the procedure which is to be followed is laid down by this House itself. We have the Rules of Procedure. Unless that procedure is changed, we cannot do it.

MR. DEPUTY CHAIRMAN: What he is suggesting can be considered.

SHRI SHIVRAJ V. PATIL: I have no objection.

MR. DEPUTY CHAIRMAN.: It will be examined.

SHRI SHIVRAJ V. PATIL: Sir, the Bill was introduced in the House a few months ago. Then the Bill was referred to the Standing Committee on Home Affairs and the Standing Committee has submitted its Report. There are some amendments suggested by the Standing Committee. The Government have accepted a few of them and others are not accepted. Now, the accepted amendments are moved by the Government. This Bill is brought before this House in order to deal with disasters and calamities that occur in the country. This Bill is not only...

MR, DEPUTY CHAIRMAN: Mr. Narayanasamy, you know very well that the mobiles are not allowed inside the Chamber.

SHRI V. NARAYANASAMY (Pondicherry) Sir, the Jammer is not working.

SHRI S.S. AHLUWALIA (Jharkhand) Sir, my mobile is not working. His mobile is working. We have to check up whether Mr. Narayanasamy is having a mobile with different technology. If he is having then it is a serious issue. The jammer of Parliament is jamming my mobile and not the mobile of the Treasury benches. It is a very serious matter.

SHRI SHIVRAJ V. PATH: Sir, there are two things that we want to do. One, to provide relief to the people who suffer in the natural calamities or the man-made disasters. We have also to help the people, who suffer, with shelters and things like that. That is a provision, which has been made, which will help the people to get shelters and to get some kind of employment. The next step, which has to be taken by the Government, is to reconstruct the infrastructure and rehabilitate people, who have suffered in the disaster. This is one thing. But the emphasis is not on what we do after the disasters take place. The emphasis is on what we do before the disasters occur. We want to have our own policies and the plans to prepare ourselves to meet the disasters that may occur. For this purpose, we are creating certain bodies at different levels.

At the national level, there shall be a National Disaster Management Authority. This body would be chaired by the Prime Minister himself. There will be nine other members also, who will be sitting in this body to discharge the duties that are cast upon them under this law.

At the State level, there shall be a State Disaster Management Authority. The State Disaster Management Authority will be chaired by the Chief Minister himself. And, there may be nine or less numbered members, to be decided by the Chief Minister, who will be sitting with the Chairperson of the State Disaster Management Authority.

This law suggests that at the district level, there shall be a District Disaster Management Authority. The District Disaster Management Authority shall be chaired by the District Collector, or, a Government official. But when the matter was taken to the Standing Committee, they suggested that the peoples' representative also should be there. But there was a difficulty in accepting this suggestion because, at the district level, if the President of the Zila Parishad is sitting as a Chairman, the officers, who are working with the State Government, sometimes do not take orders from him. That is why we accepted the recommendation made by the Standing Committee that the elected representative of the people be the co-chairman of this body. And, we have accepted this also.

Now, at the fourth level, there are local authorities, like, the corporations, the municipalities and the gram panchayats. The corporations, the municipalities and the gram panchayats are responsible for helping the people when a disaster occurs. They are actually at the cutting edge.

Then, there is another institution created by this law. And, that institution is the National Institution of Disaster Management. This institution is expected to train the Government officials and the peoples' representatives and the people, at large, also as to how to deal with the disasters when they occur.

It is also suggested that there be a National Disaster Response Force. In fact, we have eight battalions, now, earmarked to discharge the duties cast on the National Disaster Response Force. These eight battalions come from the BSF and other paramilitary forces. We are asking the State Government also to have their own battalions which will be responding to the duties that have to be discharged when the disasters occur. Then, Sir, we have said that the District Officer or the man in the field, who is actually working there, should be given certain responsibilities and certain authorities. When the disaster occurs, and if a place has to be occupied, it should not become necessary for him to follow the lengthy procedure because that much time is not available. So, he is given certain emergency powers. At the same time, it is also provided that the National Disaster Management Authority, the State Disaster Management Authorities, the District Disaster Management Authorities shall have certain funds available to them to provide immediate relief. These funds are not going to be big funds. They are going to be small funds which can be used on the first day or on the second day of the disaster The big amounts of money, which would be required to deal with these disasters, shall come through the Government of India and the State Government. There are high-level bodies at the Government of India's level which are given certain amounts of money that can be utilised for meeting the demands of the people suffering from disasters.

Now, the Finance Commission has given a report and according to the Finance Commission, certain amount of money is kept at the disposal of the Union Government to utilise that amount of money. Over and above, if any funds are required, the matter is referred to the Planning Commission. When we get the report from the State Government, the matter is referred to the Planning Commission and the Planning

Commission, in consultation with the concerned Ministries, decides as to what kind of money, what funds should be given to the State Government. That matter is taken to the Cabinet and, then the Cabinet sanctions the required money, and that money is given.

So, Sir this Act is mainly for the purposes of preparing the polices . What kind of policy can be prepared under this law? Earthquakes have been taking place. In Lattur earthquake took place, in Gujarat earthquake took place, in Jammu and Kashmir also earthquake has taken place, and, at other places also earthquakes have taken place. What is to be done to see that the people do not suffer. One of the things, which can be done, is to construct the houses in such a fashion that the houses are earthquake-resistant. So, different kinds of technologies have to be used by them. In fact, the technologies are developed in the country and outside the country also. In the national laboratories of our country technologies have been developed. In Roorkee institution, the technologies have been developed. Then, there are other institutions also which have developed the technology. In Japan, America, and in other countries also, technologies are available, but those technologies have to be used by the persons who construct their own houses. So, it is provided that the National Disaster Management Authority, in consultation with the experts, will collect the available technologies for constructing small houses, big houses, multi-stored houses, bridges, roads and structures like atomic reactors, and things like that, and those technologies will be made available to the users. But there will be a policy made for this purpose. The policy made would be like this. When the permission for construction of houses has to be given and which is given by the local bodies, that is, Corporations, Municipalities and the Gram Panchayats, the rules made by the National Disaster Management Authority will be sent to the State Governments and from the State Governments they will be transferred to the District bodies, the Taluka bodies and the local bodies which will be using them. I am giving an example.

Then, it is also provided that if people are suffering because of floods, what kind of steps can be taken to see that their sufferings are mitigated? It is provided that each of the Ministries, at the national level, will provide for meeting the demands when the disasters occur and preparing to mitigate the suffering of the people. How can it be done? It the Brahmaputra floods occur every year, a study will be done and after

studying the route Brahmaputra takes, embankments can be provided, and so many other things can also be done, dams can be constructed. This will not be done by the National Disaster Management Authority. But, this will be done by the Irrigation Department. The Irrigation Department, when constructing dams, would take into account the earthquake that may occur in that area the quantity of water which may be collected behind the dam and so many such things, and then, it will provide the policy. That policy will be sent to the State Government, if the State Government approves, it can use that policy. Sir the emphasis, here, is on man-made disaster also. Probably, the man-made disasters are going to be equally difficult to manage. What kind of man-made disasters can occur? A radiological disaster, a dirty bomb, or biological weapons or the chemical weapons can be used by anybody. If the dirty bomb or biological or the chemical weapon is used, it is not going to be possible for us to help the people we should be ready. We should have equipment. They should have the protective gear available for those people who would be going and helping them. The medical facilities should also be available and there are so many things which have to be done. So, these are the things which have to be done by these authorities, but the main job of these authorities is to suggest policies, prepare plans, and, at the same time, by ready to help the people on the occasion when the disaster takes place, and, later on, the State Government can take over and help them. Therefore, for this purpose it has been done. We were not waiting, we are not going only to help the people after the disaster has occurred, but we are applying our mind, we are visualising what can happen. Many kinds of disaster can happen. Earthquakes can happen, floods can happen, cyclones can be there. Even the Tsunami was there, avalanches were there in snow-clad areas, and heavy rainfall, torrential rainfall can happen in Southern States, and it has occurred this year. All these things have to be visualised by these authorities. The policies and plans have to be kept ready. Equipments have to be collected. In certain places, they will require boats, they will also require helicopters to provide the food material and things like that. After the disaster occurs medical help has to be given. How it has to be done? So, this is a law which we are going to make which will help the national Government, the State Governments, the district government and the local government to meet all these requirements. We are saying that this law is made. This can be adopted by other State Governments. The State Government of Gujarat

has its own Jaw and we have suggested other States also that if they want to have their own laws, we have no objection. The only thing they have to do that the law which is made by them is not contrary to the law which is made by us. They will be given liberty also. Nobody is going to say that only this, this and this thing you can do and nothing else. Liberty will be given to them. So, at the national level, policy making will be done, at the State level, policy making and implementation would be supervised, and at the lower level, that is, the district level and the local level, actual work of helping the people will be done with the funds which will be given by the Union Government, by the State Government, with the machinery which would be made available to them, and with the policies which are made by them. For this purpose, this law is proposed to be made. This is a very salutary piece of legislation. The Standing Committee has also looked into it very carefully. They have given very good suggestions and most of the suggestions given by them have been accepted by us. Later on, this matter was looked into by the National Disaster Management Authority. Instead of waiting for this law to be passed, we have created National Disaster Management Authority with the Resolution passed in the Cabinet, with the decision taken by the Cabinet, and that body is in existence. We have said that all the duties and responsibilities which have to be performed by them shall be according to this law; so, when this law comes into existence, that body will take over. This is in consonance with the provisions for constituting the National Disaster Management Authority and that is not there. Now, I would invite the suggestions by the hon. Members, and I would say that this is a law of its own kind. This is going to come into existence after it is passed by the Parliament. If you have any good suggestions and if they are acceptable, I will accept them here, but if not acceptable, immediately, we are open to accept them in order to see that this law becomes more efficacious and useful in future also.

*The question was proposed.*

**श्री एस.एस. अहलुवालिया :** उपसभापति महोदय, मैं आपदा प्रबंधन विधेयक 2005 का समर्थन करने के लिए खड़ा हुआ हूं। मैं सरकार का स्वागत करता हूं कि वह इस विधेयक को लेकर सदन में आई। यह सिर्फ प्राकृतिक आपदा का ही नहीं, परन्तु मानवकृत कारणों या दुर्घटना के कारणों या उपेक्षा से उद्भूत कोई महा-विपत्ति, अनिष्ट विपत्ति या घोर घटना अभिप्रेरित है या जो किसी क्षेत्र को प्राभावित हैं, उन सारी चीजों का प्रबंधन करता है।

महोदय, हमारे देश में आपदाएं बहुत आती रही हैं, और इसका विचार लोगों ने कभी किया नहीं कि वे इस प्राकृतिक आपदा को कैसे लें। अगर कहीं बाढ़ आ गई, बाढ़ में कई डूब गए, तो रिलीफ बांट आए और अगर कही भूंकप आ गए, चले गए, वहां कंबल बांट आए या मकान के लिए बिल्डिंग मैटेरियल दे आए या खाने का सामान दे आए। जो इमीडिएट रिक्वायरमेंट होती है, उसको डील करने की जरूरत और राइट फोर मेंटल ट्रॉमा से लेकर रिहैब्लिटेशन तक, जो एक लंबा प्रोसेस है, उस प्रोसेस को मद्देनजर रखते हुए ही हमारे राष्ट्र के दूरदर्शी भूतपूर्व प्रधानमंत्री अटल बिहारी वाजपेयी जी ने वर्ष 1999 में ही एक हाई-पावर कमेटी फोर डिसास्टर मैंनजमेंट कंस्टीट्यूट की थी। उस वक्त उन्होने एक रिटायर्ड एग्रीकल्चर सेक्रेटरी को उसका चेररमैन बनाया था और उनके अपने ही अंतराल में जब भुज का अर्थ-क्वेक हुआ, तो सेक्रेटरी को उसका चेयरमैन बनाया था और उनके अपने ही अंतराल मे जब भुज का अर्थ-क्वेक हुआ, तो 13 फरवरी को ऑल पार्टी नेशनल कमेटी ओन डिसास्टर मैनेजमेंट प्राइम-मिनिस्टर के नेतृत्व में बनाई। उसकी टर्म्स ऑफ रेफरेन्स वगैरह सब कुछ बनाई गई। उसके साथ-साथ इसके महत्व को समझा गया, क्योंकि उसी वर्ष 1999 में कारगिल का भी हमला हुआ और अपने क्षेत्र के अंदर ही हमें ऐसी कार्रवाई करनी पड़ी, मिलिटरी की कार्रवाई, जो उस वक्त जरूरी थी राष्ट्रीय सुरक्षा के लिए, राष्ट्र की एकता और अंखडता के लिए। जब इन सारी चीजों का आकलन किया गया और वर्किंग ग्रुप ने जब आकलन करके बताया, तब अंततः ऐसा महसूस किया गया कि गवर्नमेंट ऑफ इंडिया का एलोकेशन ऑफ बिजनेस रूल्स, 1961 के तहत यह जो अपदा प्रबंधन विभाग हैं, यह एग्रीकल्चर मिनिस्टरी मे न रखकर गृह मंत्रालय के पास लाया जाए और इसे गृह मंत्रालय के अधीन लाया गया और जिसका काम हमारे भूतपूर्व उप प्रधानमंत्री श्री लाल कृष्ण आडवाणी जी देखते रहे। अंततः इस पर नेशनल पॉलिसी बनाने का ड़ाफ्ट हुआ और यह फर्स्ट ड्राफ्ट जो हैं, वह वर्ष 2003 में बना, आज उसका रूवरूप हम लोग अपने सामने देख रहे हैं। यह एक स्वागत-योग्य कदम है।

महोदय,जिस वक्त भोपाल की गैस ट्रेजड़ी हुई, तो वहां के डॉक्टरों को, वहां के इजीनियरों को, वहां के लोगो को, वहां के आपदा से डील करने वाले लोगों को पता नहीं था कि यह कौन सी जहरीली गैस हैं और इसकी एंटी-डॉट मेडिसिन क्या हैं। और अगर यह गैस लीक हो रही है तो इसको रोकने का तरीका कौन सा है, क्योंकि हमारे पास कोई इंस्टिटयूट नहीं थी, जहां पर इस तरह की शिक्षा दी जा सके। मुझे पता हैं कि यू.एन. कन्वेंशन के तहत समुद्र में 1 लाख 50 हजार नॉटिकल माइल्स हमारा एरिया है, पर वहां पर अगर एक टैंकर कैमिकल ले जाता हुआ लीक कर जाए तो उससे हमारे पानी को, उस पानी में रहने वाले जानवरों को या हमारी मछलियों को या इलाके को किस तरह प्रदूषित कर सकता हैं, उसको रोकने के लिए हमको किस कोर्ट में जाकर केस फाइल करना है, इसका ज्ञान हमको नहीं होता, हम पीछे रह जाते हैं और यह एक बहुत सीरियस आपदा खड़ी कर देता है कोस्टल एरिया के लिए। आज चाहे टूरिज्म के नाम पर, चाहे एक्वा-कल्चर के नाम पर या और चीजो के कारण जो प्राकृतिक सर्वनाश हुआ है, इस आपदा को

हम दूसरी तरह से मदर अर्थ की थ्योरी भी कह सकते है। महोदय, मैं देख रहा था कि पिछली एक सेंचुरी में हम एक सुनामी को देखकर घबरा गए थे और उस त्रासदी को देखकर हम लोग त्राहि-त्राहि कर उठे थे। पिछली एक सेंचुरी में करीब 796 सुनामी हुई, इनमें से 117 सुनामियां ऐसी हुई हैं, जिनमें इफेक्ट हुआ,जिनमे ह्यूमन और प्रापर्टी को लॉस पहुंचा है। इस पूरी सेंचूरी में यह पहली सुनामी थी,जिसका भारत पर भी असर हूआ। सुमात्रा और अंडमान रिजन में इसके पहले भी 8.4 रिएक्टर स्केल पर अर्थक्वेक हुए हैं और वे हुए थे 1797 में 8.7 रिएक्टर स्केल का हुआ था 1833 में,जिसने कनिक्शा ही बदल दिया था और 8.5 का हुआ था 1861 में और अब 7.9 का हुआ था 2000 में। इस बार फिर, जो लेटेस्ट हुआ, इसने हमको मजबूर किया यह सोचने के लिए कि हमें सुनामी वार्निंग सिस्टम के बारे में सोचना चाहिए। हम नहीं बना सके थे। दूसरे देशों में सुनामी वार्निंग सिस्टम हैं और 1964 से कुछ भारतीय वैज्ञानिक, जो लोग कनाडा मे पेसिफिक ओशन में इस तरह के रिसर्च के काम में लिप्त थे, हमारे आंध्र प्रदेश के एक विद्वान इंजीनियर, जिन्होने बार-बार भारत सरकार से कहा कि मैं विदेशों के लिए यह काम कर रहा हूं, मैं भारत के लिए यह सस्ते में बना सकता हूं, पर हम नही बनवा सके, क्योंकि 100 करोड़ रूपया चाहिए था। 100 करोड़ रूपए के कारण वह नहीं बन सका और हमने आपदा देखी। वार्निग हम नहीं समझ सके और हमने यह आपदा देखी। मैं कहता हूं कि एक तरफ तो सांइटिफिक युग हैं, वैज्ञानिक युग है, आधुनिक युग है और दूसरी तरफ मछुआरा तमिलनाडु का एक मछुआरा, जिसको यह पहचान थी कि अगर जाल में एक विशिष्ट प्रकार की मछली फंस जाएं तो समझ जाओ कि समुद्र में तुफान उठा हैं, बचना मुश्किल है वह लाल मछली, जो समुद्र के गर्भ में रहती हैं, वह जाल में फंसी , अर्थात ऊपर आ गई, वह कभी ऊपर नहीं आती, वह ऊपर आ गई हैं और जाल में फंस गई है तो इसका मतलब हैं कि नीचे कुछ आंदोलन हुआ है, नीचे कुछ भूचाल आया हैं,इसलिए समुद्र से दूर भागो वहीं पर एक पंचायत का सरपंच, जिसे पता था कि सुनामी क्या है और क्या विपत्ति ला सकती है, उसने पूरे गांव को बचा लिया और जिनको ज्ञान नहीं था, वे नहीं बच सके। जिनको यह पता नहीं था, वे मछली पकड़ने गए और लौटकर नहीं आए और अगर लौटकर आए भी तो देखा कि पूरा गांव उजड़ गया हैं, घर वाले नहीं रहे।

"जब घर से निकले थे तब तूफान न था, जब घर लौटे तो देखा घर न था"। महोदय, मैं भोपाल गैस की बात कर रहा था। भोपाल गैस भी एक त्रासदी थी और इस डिजास्टर को, जो चाहे मैंन-मेड हो या नेचर मेड अर्थात् प्राकृतिक हो, चाहे वे कौमी दंगे हों, चाहे घुसपैठ हो या फिर विदेशी ताकतों का कोई षडयंत्र हो, बहुत बड़ी बायोलॉजिकल या गैस लीक के कारण लाखों लोग एफेक्टिड हों, इन सभी चीजों का सामना करने के लिए एक डिजास्टर मैनेजमेंट की जरूरत हैं मैं यह नहीं कहता कि भारत ने इसके बारे में पहले क्यों नहीं सोचा। में 9/11 की कमीशन की रिपोर्ट पढ़ रहा था, मैंने देखा उन्होने भी अपने यहां डिजास्टर मैंनेजमेट को और परिपक्व करने के

लिए 9/11 के बाद कोशिश की एवं उसे और अधिक पक्का व मजबूत बनाने की कोशिश की, बहुत सारा री-वैम्पिंग किया, रिव्यू किया एवं उसे और अधिक मजबूत बनाया। लेकिन उसके बाद एक दूसरी आपदा "कैटरीना" जब उनके सामने आई तो वे मजबूर हुए कि पुनः उस पर विचार किया जाए। इसलिए ऐसी आपदाएं हमारे राष्ट्र में रोज आती हैं। मैं बताना चाहता हूं कि भारत का ज्योग्राफिक फीचर ऐसा हैं जहां 60 प्रतिशत लैड अर्थक्वेक प्रोन हैं, 68 प्रतिशत एरिया ड्राउन प्रोन हैं, 8 प्रतिशत एरिया साइक्लोन प्रोन हैं और 40 मिलियन हैक्टेयर फ्लड प्रोन हैं। इन आपदाओं के साथ तो हम लोग रहते ही थे, लेकिन उनके साथ-साथ आतंकवाद एक नई आपदा है,जिसने सारे भारत को घेर रखा हैं।

हमारे माननीय मंत्री महोदय बता रहे थे कि प्राकृतिक आपदाओं के साथ-साथ मानव द्वारा अथवा मानव कृत कारणों से भी जो आपदा आती हैं, उसका सामना करने के लिए भी इसमें प्रावधान हैं। इन सारे प्रावधानो को अगर देखा जाए तो सबसे जरूरी चीज क्या हैं? मैं भूलता नहीं कि 1962 में देश में आक्रमण हुआ, 1965 में आक्रमण हुआ और 1971 में भी आक्रमण हुआ तब सायरन लग गए। एयर रेड के कारण सायरन लगे, जो आज भी नौ बजे बजते हैं, लेकिन अब वे इसलिए नहीं बजाए जाते कि एयर रेड होने वाला हैं। शुरू शुरू में वे ड्रिल करने के लिए बजाए चले जाते थे, आज यह देखने के लिए बजाए जाते हैं कि वक्त पर यदि इन्हे बजाया जाए तो यह चलेंगे कि नहीं चेलेंगे। इस एयर सायरन से यह बात याद आती हैं कि अगर हमने इन आपदाओं को झेलना हैं, हमने यह सब देखा हैं, अपनी जवानी में हमने सिविल डिफेंस की ट्रनिंग ली, एनसीसी की पूरी ट्रनिंग ली ...(व्यवधान)...

**एक माननीय सदस्य :** आप तो अब भी जवान ही हैं।

**प्रो. राम देव भंडारी** (बिहार) **:** क्या आप अपने आप को बूढा समझते हैं।

**श्री एस.एस. अहलुवालिया :** जिसके नाती-पोते हो जाएं, वह बूढा ही कहलाता हैं। जब घर जाएं तो कोई बापू कह कर नहीं पुकराता, सब दादू और नाना कह कर पुकारते हैं, इसलिए मैं बूढा ही तो हूं। मैंने कहा कि मैंने अपनी जवानी में एनसीसी की ट्रेनिंग ली, एबीसी की ट्रनिंग ली और सिविल डिफेंस की ट्रेनिंग ली। आज वह सिविल डिफेंस कहा गया? आज यदि रास्ते में कोई घटना घट जाएं, यहां पार्लियामेंट में एक मैम्बर बेहोश हो गए, उन्हे आर्टिफिशियल माउथ ब्रीदिंग देने के लिए हमारे किसी सदस्य के पास वह अक्ल या इल्म हैं या नहीं हैं, यह सोचना पड़ेगा। वह सिविल डिफेंस की ट्रेनिंग जो कम्पल्सरी हुआ करती थी, आज वह कम्पल्सरी नहीं हैं।

इस आपदा के लिए आपने इंस्टीटयूट बनाने की बात कहीं हैं, पर उस इंस्टीटयूट में आप क्या करेंगे? आप तो अमरीका से टेक्नोलॉजी लाएंगे, जापान से टेक्नालाजी लाएंगे, आप न्यूजीलैंड या जिनेवा से टेक्नोलाजी लाएंगें , लेकिन मैं कहता हूं कि वह टेक्नॉलजी भारत में उपलब्ध हैं।

भारत की घाघ की वाणी कभी पढ़कर देखिए कि घाघ की वाणी क्या होती हैं। घाघ की वाणी आपको अंदेशा देती हैं कि बारिश होगी, सूखा पड़ेगा, तूफान आएगा, साइक्लोन आएगा और क्या आएगा। पर उन चीजों को हमने भुला दिया हैं। मैंने वे उदाहरण इसलिए आपको दिए कि उस मछुवारे को अगर यह इल्म था तो अपने बाप-दादा से सुनी सुनाई कहावत थी कि अगर यह लाल मछली जाल में पकड़ी जाए तो समझना कि समुद्र में तूफान आया हुआ हैं। और यह इल्म हमारे गांव में,हमारे देहात के लोगों के पास हैं। ग्वाल में बंधी हुई गाय जब भूमि कम्पन का अंदेशा देखती हैं तो अपनी रस्सी को तोड़कर ग्वाल के बाहर भागने की कोशिश करती हैं। पक्षी रात के अंधेरे में अपने घोसंले छोड़कर उड़ने लगते हैं। पर हम मानव जो स्कूल-कॉलेज में पढ़ते हैं, यूनिवर्सिटी में पढ़ते हैं, रिसर्च करते हैं, पर हम अपने कमरों में बैठे अपने ऊपर कपड़ा ढ़क लेते हैं और मौत के सामने पड़ जाते हैं।

महोदय, जब तक हम प्रकृति से खिलवाड़ करते रहेंगे तब तक प्रकृति हमारे साथ खिलवाड़ करती रहेगी। हर धर्म में चाहे वह हिन्दू धर्म हो, चाहे वह जैन धर्म हो, चाहे वह इस्लाम धर्म हो, चाहे वह सिख धर्म हो, चाहे इसाई धर्म हो सब धर्मो ने एन्वायरमेंट को प्रोटेक्ट करने की बात की हैं। पर हम प्रकृति से खिलवाड़ दिन-पर-दिन करते जा रहे हैं। जब उड़ीसा का साइक्लोन आया, उड़ीसा के साइक्लोन में सबसे महत्वपूर्ण बात सामने क्या आई कि अगर यह मेन्ग्रोव उजड़ नहीं गए होते या हमारे आंध्र प्रदेश में कॉस्टल एरिया में जो साइक्लोन आते हैं, वहां पर मेन्ग्रोव उजड़ नहीं गए होते तो कुछ बचाव सम्भव था, क्योंकि यह साइक्लोन की स्पीड को चैक करते हें, उनको रोकते है। पर हमारे एक्वाकल्चर ने इस सारे मेन्ग्रोव को खत्म कर दिया और खत्म होने के बाद हुआ क्या कि जब त्रासदी आई तो हमने लाशे गिनीं, तथा नाक पर कपड़ा बांध कर जब हम पहुंचे तो जानवरों की लाशें और मनुष्यों की लाशों की बदबूं, सडांध को नाक पर बंधा कपड़ा भी नहीं रोका सका। फिर इसके बाद मॉस क्रिमेशन करने की बाद आई तो जानवरों और आदमियों की लाशों को जलाना शुरू किया। पर इन सारी चीजों का सामना करने के लिए पीपुल्स पार्टिसिपेशन की जरूरत हैं। इस बिल में आपने मुख्य मंत्री को तो बना दिया चेयरमैन, प्रधान मंत्री को तो बना दिया चेयरमेन,जिला परषिद के चेयरमेन को बना दिया चेयरमेन,किन्तु जिसके इलाके में,जिसकी पंचायत में यह घटना घट रही हैं उसके निर्वाचित पंचायत के सदस्य को कोई हक नहीं इसमें, उसका कोई पार्टिसिपेशन नहीं हैं। जिस विधान सभा क्षेत्र में या जिस ब्लॉक में यह घटना घट रही हैं उसके विधान सभा क्षेंत्र के विधायक का कोई हाथ नहीं, कोई पार्टिसिपेशन नहीं हैं इसमें, क्योंकि बाकी सब अकलमंद हैं केवल एक बेवकूफ सा नजर आएगा वहां पर। जिसके लोक सभा क्षेत्र में यह घटना घट रही हैं वह बावरा होकर घूमेगा, उसे न अफसर बताएगा, न इंस्टीट्यूट वाला बताएगा और जनता भी क्यों पूछेगी, न वह रिलीफ बांट सकेगा, न रिलीफ में हिस्सा ले सकेगा, न उनको जागरूक करने के लिए कुछ सिखा सकेगा, न उन्हे पथ पर लगाने की

बात कह सकेगा, न उनके साथ कार सेवा करके उनका मकान बनवाएगा। महोदय, पीपल्स पार्टिसिपेशन की जरूरत अगर हैं तो पीपल्स रीप्रेजेंटेटिव जो हैं, उनको टोटली इग्नोर कर दिया गया हैं। जब कि स्टैडिंग कमेटी ने अपनी रिकमेंडेशन में यह बात कही है कि इनका पार्टिसिपेशन होना चाहिए। यह रिकमेंडेशन सर्वसम्मति से आयी थी, हर पॉलिटिकल पार्टी के सदस्य ने कहकर भेजी थी। अगर वाकई इसको वह स्वरूप देना हैं जो स्वरूप हम चाहते हैं कि ऐसी आपदा में लोगों को राहत पहुंच सके,क्योकि पुराने जमाने में एक कहावत सुनी जाती थी कि दो तरह की फसल होती हैं, एक खरीफ और दूसरी रिलीफ। जब खरीफ की फसल होती हैं तो वह कटकर किसान के यहां जाती हैं और रिलीफ जब बंटती हैं तो जिनको नहीं मिलनी चाहिए, उनको मिलती हैं या अफसरान् के यहां जाती हैं। मैं किसी व्यक्ति विशेष पर कोई आरोप नहीं लगा रहा पर यह बात आम कही जाती हैं, सुनी जाती हैं और मानी जाती हैं। इन सारी चीजों को रोकने के लिए ही यह आपदा प्रबंधन विधेयक लाया गया हैं कि हम एक प्राधिकरण बना सकें और उस प्राधिकरण को इसके तहत काम करने का अधिकार दे सकें। किन्तु उस प्राधिकरण में सिर्फ पदाधिकारी ही हों, सिर्फ सरकारी कर्मचारी ही हों, चाहे डेपुटेशन पर आए हुए, चाहे अपना कैडर बनाए हुए, क्योंकि अभी अपना कैडर तो बनेगा नहीं, अभी कैडर बनने में टाइम लगेगा तो सारे डेपुटेशन पर ही जाएंगे पर वहां प्रतिनिधि, जो चुना हुआ प्रतिनिधि हैं, उसका अगर कुछ भी कहना नहीं होगा और उसका कोई रोल नहीं होगा तो मैं समझता हूं कि यह वैसा ही होगा जैसे हमने नारों में लिख दिया —"हम दो हमारे दो" "हमारा भारत महान" —न तो "हम दो हमारे दो" बना सके, न उसको इम्पलीमेंट कर कसे, न भारत को महान बना सके। ...(व्यवधान)... अगर आप सुनना चाहते हो ...(व्यवधान)..

**श्री उपसभापति :** उनको बोलने दीजिए।

**श्री एस.एस. अहलुवालिया :**मेरा इतना ही कहना है कि किसी भी काम को या किसी भी विधेयक को तब तक लागू नहीं किया जा सकता हैं, जब तक उसमें पब्लिक का पार्टिसिपेशन या उनका उत्साह उससे नहीं जुड़ेगा। उसे जोड़ने वाले कौन हैं? हजार राजनैतिक नेताओं को आप गालियां निकाल लें, उनके बारे में इन्क्वायरी कमीशन बैठा लें और तरह तरह के आरोप-प्रत्यारोप कर लें लेकिन ये राजनैतिक दल ही हैं-चाहें यहां बैठे हों,चाहें वहां बैठे हों-ये राजनैतिक कार्यकर्त्ता ही हैं या जनता द्वारा चुने हुए प्रतिनिधि ही हैं जो गांव-गांव तक और घर-घर तक विधेयक का संदेश पहुंचाते हैं-सरकारी मशीनरी नहीं पहुंचाती, सरकारी मशीनरी उसको थोपती हैं यह थोपने वाला विधेयक साबित न हो। मंत्री जी ने अपना ब्रीफ स्टेटमेंट देते हुए कहा था कि अगर कोई सुझाव छूट गया हो और अच्छा सुझाव आए तो मैं तुरंत उसको मान लूंगा। मैं नहीं समझता कि सदन में कोई भी सदस्य इसके विरोध में होगा कि इस प्राधिकरण की जो ऊपर से लेकर, सैंटर से लेकर डिस्ट्रिक्ट लैवल तक जो कमेटियां अथॉरिटी की बननी हैं, उसमें जनता

का चुना हुआ प्रतिनिधि नहीं होना चाहिए-कोई भी इस चीज का समर्थन नहीं करेगा। सब इस बात का समर्थन करेंगे कि वहां होना चाहिए-अगर इसको पूरह तरह से लागू करना हैं। मैं यही कहकर और आपके इस आपदा प्रबंधन विधेयक का समर्थन करते हुए यह बताना चाहता हूं कि सिर्फ प्राकृतिक आपदा नहीं, जो आतंकवाद की सबसे बड़ी आपदा हैं, उससे भी लड़ने के लिए जो काम करने हैं, उसमें भी राजनैतिक कार्यकर्ता ही सही होता हैं। अगर उसका भी सामना करना हैं, तो बंदूक और पिस्तौल से सामना नहीं होगा। वह तो कार्तालाप से होगा और वार्तालाप भी राजनीतिक कार्यकर्ता ही करेंगे। उनके पिछलग्गू बनकर जो लोग घूम रहे हैं, उनको अगर रोकना हैं या समझना हैं, तो राजनीतिक कार्यकर्ता ही करेगा। मैं समझता हूं कि आप आधुनिक विज्ञान को तो लाए ही, किंतु इस इंस्टीट्यूट में पढ़ाने वालों को जो आप शिक्षा देने जा रहे हैं, उसमें जो हमारी ancient conventional knowledge हैं, उसका पूरा, उपयोग होना चाहिए। conventional traditional knowledge का पूरा-पूरा उपयोग होना चाहिए और उस traditional knowledge को भी हम किस तरह से बांटकर, उसका उपयोग कर सकते हैं और इन त्रासिदियों से बच सकते हैं या अपनी जनता को बचा सकते हैं या अपने राष्ट्र को बचा सकते हैं, वह कोशिश होनी चाहिए,धन्यवाद।

SHRI JAIRAM RAMESH (Andhra Pradesh): Thank you, Mr. Deputy Chairman, Sir. It is with great pleasure that I get up to speak on an important Bill, but have even greater pleasure to follow Mr. S.S. Ahluwalia, the hon. Member, with whom one gets a very rare opportunity to agree. Mr. Ahluwalia has, in a very uncharacteristic statesmanlike and constructive speech, laid out his support for the Bill. And I, in fact, support most of what he says, except that little bit of paternity that he tried to claim for his party. I do want to remind him that this idea has been germinating on the public agenda over the past decade or so. In the last 15 years, India has had six major earthquakes; it has had four major cyclones; it has had Tsunami; it has had innumerable floods. But for one reason or the other, the idea of creating a National Disaster Management Authority has eluded the administration, whatever the nature of the political party in power may be. And I want to congratulate the Home Minister for having finally belled the cat, taken a step forward, brought forward this legislation and created the National Disaster Management Authority. Now, I think, the main objective is to look ahead.

Sir, I want to make four major points in my intervention. I want to make a few remarks on the Bill itself, even though the hon. Minister has come forward with some amendments. Secondly, I want to talk about some

financing issues as far as disaster management is concerned. Thirdly, I want to talk about the limitations of this Bill, particularly in view of the experience that the Gujarat State Government has had because as we know/Gujarat is the only State Government which has an Act, the Disaster Management Act, and it has a Gujarat State Disaster Management Authority as well. And the fourth point I want to make is on science and technology. I agree with Mr. Ahluwalia that we have much to learn from traditional knowledge, from Varahamihira's Brihat Samhita and all that. But I think we would be making a grave mistake if we don't realise that we need to make major investments in modern science and technology in order to meet disasters and I do want to make some points on this issue. Then, I will make a few concluding remarks.

Sir, on the Bill itself, I would like to make a few comments for the hon. Minister's consideration. I want to begin by saying that he has already mentioned that a non-statutory National Disaster Management Authority has been, in fact, set up under the Chairmanship of the Prime Minister; and I do want to underscore two issues, as far as the non-statutory part of the NDMA is concerned, it will get statutory basis at the end of tomorrow when the Lok Sabha also passes this Bill and after the President's assent. I believe that it is very important. The NDMA, as currently structured, does not have a scientist or a technologist as a member. I know in the original notification, notifying the NDMA, there was, in fact, a technologist. But to the best of my knowledge - I have checked as of yesterday — there is no scientist or there is no technologist who is a member of the NDMA. And I do believe that this is a very grave omission and I hope this lacuna will be filled. Secondly, I think, taking up from what Mr. Ahluwalia was saying, the NDMA is in need of representation from the civil society, ultimately, disaster management, relief, rehabilitation and reconstruction involves partnerships between Governments and civil society, and it is very important to have at the highest policy-making authority, at the national level, at the State level and also at the district level, since we are having a three-tier structure, representatives of a civil society, and I will explain by giving some examples why this is of particular importance. Sir, as far as i am concerned, the formation of the National Disaster Response Force in chapter VIII of the Bill is a very major step forward in disaster management. The Home Minister has already said that eight battalions, drawn from various para-military outfits, are going to form the

core of the National Disaster Response Force, and I would imagine that this would not be a top-down Disaster Management Force. This would have field formations, this would be located in strategic parts across the country. We have areas like the North-East, where the logistics are very, very difficult, and therefore, we will need a very decentralised way of both, deploying these formations and actually using them in actual disaster situations. While the constitution of the National Disaster Response Force is a very major innovation that is proposed in this legislation, I think, it is important to give thought to its deployment and make it a much more decentralised approach, responding to disasters. Ultimately, I think, we should be having the fire brigade approach to fighting disaster. You need, as Mr. Ahluwalia said, home guards, you need civilians who are well-versed in the art of disaster management. While Rapid Action Forces have their own role to play, ultimately, it is this fire brigade neighbourhood approach towards disaster management that is going to bring relief and rehabilitation very quickly. Therefore, I think, while we set up a decentralised force, we need to look at it in its larger context of deployment in different parts of the country.

I think, Sir, the second point that I want to make on the Bill is that while we have a National Disaster Management Authority, we have a State-level Disaster Management Authority and we have a District-level Disaster Management Authority, ultimately, we should eschew this top-down approach. The real focus is to equip the District Disaster Management Authorities with the powers, with the technologies, with the techniques and with the resources, and I do hope that in the actual working of this legislation—I know all of this cannot be put in the legislation—it is the working of the legislation that is going to be important. The focus should not be so much on the NDMA or the SDMA; the focus really should be on the District Disaster Management Authorities, and the empowerment of the District Disaster Management Authorities, the financial empowerment, the technological empowerment, and their administrative empowerment, that is going to be crucial, and indeed, this is the one lesson that we learnt from tsunami, this is the one lesson that we learnt from earthquake relief, this is the one lesson that we learnt from flood relief as well. It is really this disaster management preparedness and disaster-fighting capability at the local level, which in our context, really means the district level. So, while I welcome this whole systematic approach to disaster management, from the national level to the State

level, I think, the empowerment of the district-level authorities is going to be very crucial, and I hope that in the rules and the subordinate legislation that are going to come up undoubtedly, the Home Minister will pay attention to this.

Thirdly, I have some concern which you have adddressed partly by the amendments that you are bringing. On the one hand, you have a National Disaster Management Authority; and on the other, you have a National Executive Committee. I think, there is a danger. Unless you lay out in clear terms the relationships between the National Disaster Management Authority and the National Executive Committee, you are not going to get the type of quick response that you want. Now, I have seen the amendments that you have proposed, and a large part of this problem is taken care of by the amendments. A lot of work that the National Executive Committee will do, will be done in consultation with or in collaboration with the National District Disaster Management Authority and in many ways, therefore, the National Executive Committee becomes the think-tank, becomes the executive body for the National District Disaster Management Authority. But I do hope that once the legislation is actually put into practice, these lines of authority will not get blurred, and we will not have a situation where the National Disaster Management Authority is going in one direction, and the National Executive Committee, which is really the Executive Body, comprising of important Secretaries to the Government of India, is going in a completely different direction. Some of the amendments, as I said, Sir, do address this issue, but I would like to have greater clarity when you respond at the end of our speeches.

Finally, Sir, you have also talked about the National Institute of Disaster Management, and some of the amendments that you have proposed to bring about a closer nexus or a closer relationship between the National Disaster Management Authority and the National Institute of Disaster Management. Last night, I spent a considerable amount of time, going through, trying to understand what this National Institute of Disaster Management has been doing, and I was amazed to find that actually, in the last six to seven months, this National Institute of Disaster Management has done a phenomenal amount of work, without anybody

knowing that this work is actually being done. And just to give you an example, Sir, I downloaded from the Internet a website of the National Disaster Management Division of the Ministry of Home Affairs. Natural disasters are a primer for parliamentarians." And I asked every parliamentarian, "Have you seen this primer?" No parliamentarian has ever come forward and said, "I have seen this primer." It is a 60-page primer for parliamentarians on how to deal with natural disasters—earthquakes, cyclones, floods, tsunamis ....

SHRI S.S. AHLUWALIA: They are not included in the Committee.

SHRI JAIRAM RAMESH: But what I am saying is, this is where the civil society interface becomes important, this is where public communications become very important. You can do all the work, you can have all the Internet access, you can have all the websites, but, ultimately, it does not get disseminated to the people who are actually going to be in the field. I think much of this exercise would be infructuous. So, I think, on the whole, Sir, as far as the legislation is concerned, the big fear that I have is that it should not lead to centralisation of authority either with the NDMA or with the State level authority. There must be flexibility built into the District Disaster Management Authority and the full financial, technological and managerial empowerment at the district level.

Secondly, Sir, let me raise some issues on the financing of disaster management. In the Bill, first of all, I want to draw the Home Minister's attention to, somewhat, an editorial point, but, I think, it is important, Sir, that if you look at the arrangement of clauses on page (ii) CHAPTER IX, it says: "FINANCE, ACCOUNTS AND AUDIT"; it says: "46. National Mitigation Fund; 47. National Fund for Disaster Management." But when you actually look at Chapter IX and when you kook at 46, it says: "National Fund for Disaster Response" and "National Mitigation Fund". There has to be a correlation between what figures in the clause and what figures in the actual body of the Bill, and I think, there has to be some correspondence between the two. Here, you talk about a National Mitigation Fund. Here, you talk of a National Fund for Disaster Response. Here, in the clauses, you talk of National Fund for Disaster Management. Here, you talk of a National Mitigation Fund. Sir, nevertheless, this is a minor point. But the major point is that what is being proposed in this Bill is the creation of two separate financing mechanisms. What this Bill

3.00. P.M.

proposes, as I understand it, is that the existing Calamity Relief Fund and the existing National Calamity contingency Fund get amalgamated and integrated into one "National Fund for Disaster Response", which is a short-term relief measure. You have floods in Tamil Nadu; you have to give money in the next 24 hours, in the next 36 hours, and that money will come from this new National Funds for disaster Response. But 'Disaster Response' also has a longer term-resettlement, rehabilitation, reconstruction, and for that, you have a National Mitigation Fund. Now, to the best of my knowledge, from what I have been able to figure out, the money that is now going to be made available to implement this Bill will really come from the National Fund for Disaster Response, which is the short-term financing mechanism, which is going to be formed by an intergration of the existing National calamity Relief Fund and the existing National Calamity contingency Fund. From where the money is going to come for the longer-term measures of disaster rehabilitation, reconstruction and resettlement has not been made very clear in the Bill. I hope that the Home Minister will throw some light on this. Sir, the amount of money that the Calamity Relief Fund and the National Calamity Contingency Fund brings to bear is not small. If you look at the Report of the Twelfth Finance Commission, the Twelfth Finance Commission Report has given an assessment of how much money has actually been spent on calamity relief, and it is quite a staggering sum.

[THE VICE-CHAIRMAN (PROF. P.J. KURIAN) in the Chair]

Between the years 2000 and 2005, according to the 12th Finance commission, the total expenditure on calamity relief was Rs. 11,000 crores. Between the years 2005 and 2010—of the course, you can never project calamity relief expenditure—the allocation for calamity relief amounts to almost Rs. 21,000 crores. These are not small sums of money. I think we are entitled to ask whether there is an auditing mechanism of finding out where this money has gone. Sir, Rs. 10,000 has been spent on calamity relief in the last five years. What is there we have to show for it? Are there durable assets on the ground? Have alternative livelihoods been created? have alternative structures been put in place? In other words, while we create financing windows and financing mechanisms, it is very important to have public auditing of these expenditures. Indeed, this is important for every public expenditure, not just calamity relief expenditure.

But because of the nature of this expenditure, I think, it is doubly incumbent upon us to have some form of public audit. I would like to know as to what has been the result of this Rs. 10,000 crores that has been spent in the last five years, in the name of calamity relief, in different States of the country. Do we have anything on the ground to show for it? We have created these financing windows, but we need clarity as to from where this long-term financing is going to come. While short-term is going to come from the Calamity Relief Fund and the Calamity Contingency Fund, it is not clear to me where from the long term money is going to come for disaster mitigation.

Let me now quickly move on to the third point, which I want to make, which is the limitations of this Bill. I want to draw on the example of Gujarat. As you know, there are two States in India today which actually have State Disaster Management Authorities. Orissa had set up the State Disaster Management Authority following the supercyclone of October, 1999. Gujarat had set up the disaster Management Authority following the Bhuj earthquake of 2001. They gave these Disaster Management Authorities statutory backing in 2003. Sir, I was looking at one of the recent issues of the Economic and Political Weekly which has an article on mismanagement of floods in Gujarat. I want to read one paragraph from this article because this has great bearing on how this Bill is actually going to be implemented in practice. This article concludes by saying, "The Gujarat State Disaster Management Authority, which is now the highest body created by the State Government to tackle disasters effectively and efficiently after the earthquake of 2001, has proved to be of no use. The Chairman of the body is the Chief Minister of Gujarat and there is a good mix of senior politicians as well as senior bureaucrats in its board. However, the GSDMA failed to play an important role in dealing with flood disaster. It failed to accelerate the pace of relief and rescue operations or coordinate at the State and local levels, as no senior officials were present at the State. It is reported that they were busy attending seminars outside the country. The present condition shows that having a Disaster Management Institution in the form of the Gujarat State Disaster Management Authority is no guarantee for effective management. The Government of Gujarat should urgently give some thought to revamping such institutions in preparing realistic long-term integrated disaster management strategy." If this can happen in a reasonably well managed and administratively competent Stave like Gujarat. I shudder to think

what the example would be in other States of India. I do want to request the Home Minister to draw on the experience of why the Disaster Management Authorities were not effective in the case of floods in Gujarat. Why did the so called disaster management structure fail in Maharashtra at the time of the Maharashtra floods? I think we need to draw appropriate lessons from this. To my mind , there are some lessons to be had. There was a complete breakdown of communications. There was a complete lack of infrastructure. There was a complete lack of basic wherewithal. Basic pumps were not available. Basic boats were not available and basic raw materials that are required for disaster relief were not available. I think, while we pass this Bill with great enthusiasm, we should also learn from some of the failures of disaster management in the past. Of course, there is need for a coordination between various Ministries, various organisations, not just between the Centre and the States, but coordination between organisations within the State itself. I think these are very important issues, Sir. You want to bequeath to the country not just a Bill, but you want to bequeath to the country systems for managing disasters which will outlive governments. And, I think, if you are focussing on systems, we must look at problems of communications, problems of coordination of logistics much more seriously than we have done.

My final point is on science and technology. Shri Ahluwalia is not here. I am also a great believer in traditional knowledge. I know that there were tribals in the Andamans who had sensed tsunami; there were fishermen who had sensed tsunami. But, I think, there is no running away from the fact that India needs a modern scientific and technological system to prepare itself for disaster management. I don't think that we should live in a romantic world that everything is found in our ancient books, that everything is found in our traditional Knowldege. Modern science and technology has an important role to play and, in this, the role of the Indian Meteorological Department is absolutely crucial. Unfortunately, the Minister for Science and Technology is not here. I had raised this issue thrice in the last six months. The reliability of the Meteorological Department is no better or no worse than the reliability of Exit Polls or Opinion Polls that accompany elections in this country. And I think we need a very major effort. I hope the hon. Home Minister really impresses upon his colleague the need for a major upgradation in the ability of the meteorological system for predicting natural hazards, natural calamities

like floods, earthquakes. In the case of earthquakes, of course, it will be the seismic network.

Now, I have got some information from the Indian Meteorological Department which I would share with the hon. Home Minister. It so appears that in this year, 2005-2006, the total expenditure by the Indian Meteorological Department for modernisation is Rs. 50 crores. And they have made an assessment for the next three years in order to have a completely modern, updated, world-class system for predicting floods, for predicting tsunamis, for predicting earthquakes and for predicting natural disasters. The total expenditure that has been identified for things like automatic weather stations, automatic rain gauges, wind profilers, forecasting systems, seismic networks, telecom hubs is a thousand crores over the next three years. So, just imagine, Sir, that we are going from a level of expenditure of about Rs. 50 crores a year to about Rs. 300 or Rs. 350 crores a year over the next three years. My question to the hon. Home Minister is whether the Government will find this money sooner rather than later because, for the last six months, we all know, we have been at the mercy of the Indian Meteorological Department and every time we have had a crisis, we had the Minister coming up here and saying, "We are going to modernise the system." Well, is there a roadmap for modernising the system? Have the resources for this modernisation been found? And, more importantly, has the organisation the ability to absorb this money? You can give the money. But for an organisation that is obsorbing only Rs. 50 crores for modernisation, suddenly being asked to absorb Rs. 300 to Rs. 400 crores a year, it is going to be an organisational and a management challenge. In think in the context of this Bill, the NDMA, SDMA, DDMAs, all the DMAs that we are constituting, are going to be effective only if the reliability of the information that is available to it is updated. And, If we are not going to modernise the Indian Meteorological Department, then I am afraid whether—we can create all the laws; we can create all the organisations that we want—we are going to be able to operate on the basis of information that is going to have any scientific validity.

Finally, let me say that I welcome the passage of this Bill. I welcome the initiative the Home Minister has himself taken in getting this Bill seeing the light of day. I quite agree that this bill deals only with natural disasters. We are not talking of development disasters. We are not talking of the

Bhopal-type gas tragedy; we are not talking about the response to what happened in Eastern U.P. There were thousands of deaths because of encephalitis. We are not talking about public health epidemics like bird-flue which might come to the country. So, we are really not talking of development disasters in that sense of the term. We are talking of natural disasters. We are talking of tsunamis, earthquakes, cyclones, floods which, in itself, is a very big issue, which in itself calls for great preparedness and management. But, at some stage, I would hope that the National Disaster Management Authority also pays attention to some of the other dimensions of disasters in which public health surely must remain high on the agenda, whether it is malaria, whether it is Japanese encephalit's, whether it is the breakdown of a bird flu warning system. So, I think in public health also, we have a very serious disaster issue that has to be dealt with, whether it is dealt with by the National Disaster Management Authority or by some public health authority is an organisational issue that can be dealt with separately. But, at some stage, I think, we need an integrated thinking in this area.

Sir, with these words, I would like to once again reiterate the support for this Bill. I do hope that sooner rather than later the organisation of the NDMA is given the resources, is given the stature, is given the support to emerge as a very major pressure point for change in the manner in which the manage natural disasters. Sir, the danger of the NDMA being subverted by the bureaucracy is very high. We pass laws with great fanfare; we create new institutions with great fanfare, but my friend, Dr. Malaisamy will bear me out, the ability of the bureaucracy to subvert any good idea is unparalleled in our system.

SHRI N. JOTHI (Tamil Nadu): You are also a bureaucrat. *...(Interruptions)....*

SHRI JAIRAM RAMESH: And I hope it is not a system failure, as he says.

SHRI V. NARAYANASAMY: Not human failure

SHRI JAIRAM RAMESH: Not human failure;, system failure. (Interruptions) I hope, Sir, that you will ensure that the bureaucracy will not ensure that this piece of legislation and the organisations that you are creating are really subverted and their effectiveness gets minimised. Thank you, Sir.

SHRI PRASANTA CHATTERJEE (West Bengal): Sir, it is very good that the hon. Home Minister has brought forward this very important Bill for discussion and approval here. We appreciate the Home Minister for that, sir, it is a very important Bill. We all know that in our country it has become a regular feature, almost a regular feature that floods, droughts, cyclones, earthquakes, landslides are taking place. According to an estimate, it has been mentioned by Shri Ahluwalia also, that about 60 per cent of the landmass of our country is prone to earthquakes of various intensities, and 40 million hectare of land is prone to floods. We have been the recent Tsunami in coastal areas, though the people have responded very quickly. We also have man-made disasters created by terrorist activities. Without caring for any human and moral values, they pose a great threat to our national security. Sir, it should not only be relief-oriented or relief centred. On the other hand, it should take care of prevention, mitigation, preparedness, response, relief and rehabilitation. That is there in the Bill, sir, what is most important is the strengthening its organisation structure and the administrative structure. Keeping that in mind, the involvement of elected representatives and local bodies is very effective. Keeping the capacity of the local bodies, by remaining with the local people in the local areas, as also creating a political will of people, is very important. And keeping that in mind, the Bill should be discussed.

In the Bill, creation of National Disaster Management Authority has been suggested along with others. Sir, in dealing with the national disaster or calamity, the post-disaster and pre-disaster management should be different. We know, when such a situation arises, the people would run to the elected bodies, to the administration and to the elected representatives and demand steps, plaching their grievances with the local administration, local leaders and public men.

How is it that in the system we can give special powers, special authority, special arrangements in the hands of such local administration, local authorities and the local representatives? That is very important.

Evolving a completely different system from that of a bureaucratic structure is a very political issue. Now, the national plan shall be prepared by the National Executive Council and in consultation with the State Government and others. That has been incorporated in the Bill. It further says that it will have to be approved by the National Authority headed by the Prime Minister. So, why not the suggestions of the State Government

be incorporated in the Bill? Who are responsible? It has been suggested, "only in consultation with the State Government and other agencies."

So, involvement of the local administration, the local bodies and people represented by the State Governments is very important in dealing with such a disaster management. Sir, now, it has been stated in the Bill and we all know that training of the required staff, officials as also awareness of the people to face such disaster situation is very important. We know that when we talk about that. We know the role of the local bodies and that is very important. We know the role of municipalities, panchayats or corporations is very important. But they are lacking in the necessary apparatus and necessary staff strength. The training of the staff and training of people in creation of the awareness among the people is a very important measure in dealing with such a situation.

What the hon. Member, shri Jairam Ramesh, suggested is that the district-level resources should be augmented. Their technological support, financial support should be seriously considered. What is the most important thing, Sir, is the advance warning system, equipped with the latest available scientific arrangements and apparatus.

It was discussed on earlier occasions also by some of our Members. We know that the Government had drawn a strategic roadmap in October 2002 for reducing the country's vulnerability to disaster. Will the hon. Minister throw some light on that? Sir, then it has been suggested that compensation to the victims should be given within a definite period of time if some unfortunate situation happens. When we discussed last time the flooding in Maharashtra, many of the hon. Members stated the reasons for this and one of the important reasons was the Mithi River has been filled up. The question of construction of houses with the latest technology to deal with the situation has been raised here. We know about all that. How to tackle the unauthorised illegal construction in the metropolitan areas keeping in view the problem faced in the important urban centres. That is very important to face such a situaiton in the metropolitan cities also. Anyway, Sir, with these few words, I support the Bill and hope that the points made by me will be clarified by the hon. Home Minister. Thank you

**श्री शाहिद सिद्दिकी** (उत्तर प्रदेश) : उपसभाध्यक्ष महोदय, मैं इस बिल का समर्थन करता हूं और माननीय होम मिनिस्टर जी से यह कहना चाहता हूं कि हम कानून बनाने में, अथोरिटीज बनाने

में नए इंस्टीट्यूशन बनाने में दुनिया में किसी से पीछे नहीं हैं। बहुत अच्छे कानून हम बनाते आए हैं, लेकिन असल सवाल यह होता कि हम उन कानूनों को इंपलीमेंट कर सकें और जब डिजास्टर की बात होती हैं, तो डिजास्टर इमरजेन्सी हैं, डिजास्टर एक ऐसा मामला हें, जिस पर पूरे देश को एक साथ खड़ा होना पड़ता हें। डिजास्टर मैंनेजमेंट किसी एक अथोरिटी का काम नही हो सकता, किसी एक ग्रुप का काम नहीं हो सकता या किसी एक इंस्टीट्यूशन का काम नहीं हो सकता, बल्कि डिजास्टर मैनेजमेट और डिजास्टर से मिलना और उससे टकराना पूरे नेशन का, पूरे राष्ट्र का काम होता हैं। इसलिए हमने यह जो बिल बनाया हैं, मैं यह कहना चाहूंगा कि यह एक बहुत उम्दा बिल हैं, जिसमें सारे आस्पेक्ट्स को आपने कवर कर लिया हैं। शायद जो मैंन-मेड डिजास्टर हैं या जो बर्डस-फ्ल्यू की बात होती हैं, उस तरह के जो डिजास्टर हैं, वे भी मेरी समझ से इसके अंतर्गत आते है,जिसे हम मीट कर सकते हैं सवाल यह है कि ऐसे डिजास्टर को मीट करने के लिए हम अपने पूरे सिस्टम को ऊपर नीचे तक कितना तर्क पाएंगे? जैसा हमने सुनामी में देखा भी था कि सुनामी के समय यह बताना मुश्किल हो रहा था कि किसकों इंफोरमेशन दी जाए कि सुनामी का खतरा हैं, सुनामी आने वाला हैं। इसके लिए जो पांच, आठ घंटे वेस्ट हुए, उन पांच आठ घंटों में हजारों जानें चली गई।

महोदय, आज यह जो डिजास्टर अथोरिटी की जरूरत हैं, आपने वह बनाई, लेकिन जैसा अहलुवालिया जी ने कहा और रमेश जी ने भी कहा, असल सवाल यह हैं कि कैसे आप इसमें आम लोगों को इन्वोल्व करते है? मैं कहना चाहूंगा कि नेशनल एग्जीक्यूटिव बनाने का जो आपका प्रपोजल है, उसमें जो एन.जी.ओस. हैं या जो एक्सपटर्स हैं, जो जमीन के लेवल पर काम कर रहे हैं, उनका इन्वोल्वमेंट इसमें बहुत आवश्यक है। पोलिटिकल लोगों का इन्वोल्वमेंट तो आवश्यक हैं ही लेकिन इसके साथ में एन.जी.ओज. जो इस देश में बहुत बड़े पैमाने पर बहुत अच्छा काम कर रहे हैं, उनका इन्वोल्वमेंट भी होना चाहिए, क्योंकि उनकी वहां तक, आम लोगों तक पहुंच हैं। ब्यूरोक्रेसी के काम को भी मैं कम नहीं आकंता। ब्यूरोक्रेसी भी डिजास्टर मैनेजमेंट के वक्त अपना पूरा ध्यान लगाती हैं, अपनी पूरी ताकत लगाती हैं, लेकिन उस पर लगामी की जरूरत हैं, सही मश्विरों की जरूरत हैं और यह काम NGO's कर सकती हैं।

इसके साथ ही जैसा मैने पहले कहा कि राष्ट्रीय रिस्पांस की जरूरत होती हैं और राष्ट्रीय रिस्पांस पोलिटिकल पार्टीज से ज्यादा और कोई नहीं कर सकता। इसके लिए एक ऑल पार्टी डिजास्टर रिस्पांस कमेटी बननी चाहिए, जिसमें सभी पार्टियों का इन्वॉल्वमेंट हो, ताकि जब कभी भी कोई मेजर डिजास्टर आए,उसको मीट करने के लिए ऑल पार्टी डिजास्टर रिस्पांस कमेटी या कोई काउंसिल मौजूद होनी चाहिए, जो कि ऑगमेंट करेगी, रास्ते की बाधा नहीं बनेगी, ऑगमेंट करेगी उस काम को जो काम राष्ट्रीय डिजास्टर मैनजमेंट कमेटी कर रही हैं।

सर, जिला लैवल पद, डिस्ट्रिक लैवल पर आप जो ऑथोरिटी बनाएंगे, उसमें कम के कम जो लोकल MP या MLA's हैं, उनका शमिल होना बहुत आवश्यक हैं। जैसा मेरे साथियों ने कहा इस प्वाइंट को जितना इम्फेसाइज किया जाए, कम है। जब इस तरह का डिजास्टर होता हैं तो लोग सबसे पहले अपने चुने हुए प्रतिनिधि के पास दौडते हैं क्योंकि वह एक-एक आदमी को जानता हैं, गांव-गांव को जानता हैं, हरेक को जानता हैं और कौन कहां पर मदद कर सकता हैं,किससे कहां पर सहायता ली जा सकती हैं, ये सारी चीजें उसके सामने होती हैं। अफसर कहीं ओर से आता हैं पोस्टिंग पर, हालांकि बहुत से अफसर ऐसे होते हैं जो ये सब चीजें जानते हैं, लेकिन बहुत सारे ऐसे भी अफसर होते हैं जिनको जिले की पूरी तरह से जानकारी नहीं होती,िजले के लोगों की जानकारी नहीं होती । इसलिए अगर आप MLA यामP को या पंचायत के लोगों को डिस्ट्रिक्ट डिजास्टर मैंनेजमेंट अथॉरिटी में इनवॉल्व नहीं करेंगे तो वह ठीक तरह से कार्य नहीं कर सकेगी। इसलिए हम अथॉरिटी को पूरी तरह से कार्यकुशल बनाने के लिए यह आवश्यक हैं कि आप इसमें चुने हुए प्रतिनिधियों को चुनें।

इसी तरह से डिजास्टर मैनेजमेंट का जो नेशनल इंस्टिट्यूट बनाने की बात है, उसमे सिर्फ ब्यूरोक्रेट्स या प्रोफेसरों का ही इन्वॉल्वमेंट न हो, बल्कि उन लोगों का भी इन्वॉल्वमेंट हो,जो पुराने तरीको से पता लगा लेते है और जिनकी बात अहलुवालिया जी ने की थी, चाहे वे लोग ट्राइबल एरिया में हो, चाहे हमारे कोस्टल एरिया में हो,जो इन चीजों को समझते हैं, पढ़ते हैं। कुछ एक्सपर्ट हैं, जो इन ट्राइबल सांइस की जानकारी रखते हैं। इन लोगों का भी इस नेशनल इंस्टिटयूट में इन्वॉल्वमेंट होना चाहिए और नेशनल इंस्टिटयूट में इनसे जो इनपुट मिल सकता है, वह भी वहां पर आना चाहिए। यह कोई एक ब्यूरोक्रेटिक या अकेडमिक बॉडी नहीं रहनी चहिए, क्योंकि अगर यह सिर्फ अर्केडमिक बॉडी रहेगी तो फिर यह अपना काम पूरी तरह से नहीं कर सकेगी।

आपने नेशनल डिजास्टर रिस्पांस फोर्स बनाने की बात भी की हैं मुझे पता नहीं कि इस फोर्स का क्या स्ट्रक्चर होगा,कौन लोग इन्वॉल्व होंगे,किस तरीके से आप इसको इफेक्टिव बनाएंगे,लेकिन मैं चाहूंगा कि इसमें स्कूल हो,कॉलेज हों, अस्पताल हो, नर्सिग स्टाफ हो, इस तरह के लोगों को इन्वॉल्व किया जाए और NSS की तर्ज पर बच्चों की कोई ऐसी फोर्स क्रिएट की जाए स्कूलों-कॉलेजों के अंदर, जो पूरी तरह से डिजास्टर मैंनेजमेंट के लिए ट्रेंड हो और इनका हम इन्वॉल्व कर सकें नेशनल डिजास्टर रिस्पांस फोर्स के साथ, उसके साथ इसको जोड़कर, साथ लेकर चल सकें।

डिजास्टर मिटिगेशन फंड की बात हैं। रमेश जी ने सवाल उठाया था कि पैसा कहां से आएगा। यकीनन वह पैसा भी आ जाएगा, पैसा आया भी हैं, लेकिन वही सवाल हैं कि इस पैसे का सही

उपयोग कैसे हो,किस तरह से हो। इस देश में हर डेवलमेंट ईश्यू की सबसे बड़ी कठनिाई और मसला यह हैं कि पैसा सही तरीके से सही जगह पर पहुंच पाए, क्योंकि, सर जब ही हिन्दुस्तान को एक डेवलपड् नेशन बनाने की बात करते है, जब हम 9 प्रतिशत विकास की बात करते हैं, जब इसे दुनिया का दूसरा-तीसरा सबसे विकसित देश बनाने की बात करते हैं, तो उसके लिए आज हमारे सामने जहां अनेक चैलेंज हैं, उनमें यह नेशनल डिजास्टर भी एक बहुत बड़ा चैलेंज हैं। हमने देखा कि जब SARS डिजास्टर हमारे सर पर आया था तो चाइना में और फार-ईस्ट मे जो डेवलमेंट था, ग्रोथ था, वह किस तरीके से कुछ समय के लिए ठहर गया था। कुछ समय के लिए हजारों करोड़ रूपये का नुकसान हुआ। इसलिए अगर हमने आगे बढ़ना हैं,तो हमारे डेवलमेंट ग्रोथ का हिस्सा हैं। डिजास्टर मैनेजमेंट में सिर्फ कुछ लोगों की जान बचाने का सवाल नहीं हैं, लोगों तक सहायता पहुंचाने का सवाल नहीं हैं, भारत को विकसित बनाने का, भारत को आगे ले जाने का जो सवाल हैं, उसके साथ यह नेशनल डिजास्टर मैनेजमेंट जुडा हुआ हैं। इसलिए यह बहुत आवश्यक हैं कि हम इसमें हर चीज की सहायता लें। मुझे बहुत खुशी हैं आज के अखबार में मैने पढ़ा कि अर्थ कमीशन बनाने की बात भी हुई हैं और यह जो अर्थ कमीशन बनाने की बात हैं, दुनिया में पहली बार ऐसा होगा। मुझे नहीं मालूम कि आपके ,द्वारा अभी तक इस पर कहां तक काम हुआ हैं या आप कहां तक जा पाएंगे और इसे मिनिस्ट्री ऑफ साइंस देखेगी या फिर आपस में कोई और कोआर्डिनेशन होगा, लेकिन यह एक बहुत ही इफेक्टिव इंस्ट्रूमेंट हो सकता हैं,डिजास्टर प्रोडिक्शन का, डिजास्टर को समझने का। आज जो हमारे पास सारी साइंसिज एवेलेबल हैं, चाहे वह इन्फॉर्मेशन टेक्नोलाजी हैं, चाहे वह हमारे पास स्पेस की साइंस हैं, चाहे हमारे पास सेटलाइट सिस्टम हैं, चाहे अरली वॉर्निंग सिस्टम हैं, जो भी सारी चीजे उपलब्ध हैं, उन सबको आपस में जोड़ कर हमें लाना होगा। होता क्या है कि सभी अपनी-अपनी जगह अलग-अलग काम कर रहे हैं और उनका कोऑर्डिनेशन न होने की वजह से जो आज हमारे पास एवेलेबल साइंसिज हैं, जो हमारे पास तरीके हैं,हम पूरी तरह से इफेक्टिवली उनका प्रयोग नहीं कर पाते हैं। इसलिए मैं समझता हूं कि यह अर्थ कमीशन जितनी जल्दी इन्प्लेस हो और जितनी जल्दी इसे लाया जा सके, उतना ही देश के हित में हैं और यह दुनिया के सामने भी एक मिसाल होगी।

आज जब हम यह कहते हैं कि हमारे पास इतनी बड़ी साइंटिफिक फोर्स हैं और हम आईटी के मैदान मे इतने आगे जा रहे हैं,तो हमें दुनिया को यह भी दिखाना होगा कि हम नये रास्ते दिखा कर दुनिया को कुछ दे सकते है। जैसा कि हमारे साथी ने कहा था कि हमें जापान से या यूरोप से लेने की आवश्यकता नहीं हैं आज हम इस पोजीशन में हैं कि बहुत सी चीजें उन्हे दे सकते हैं। इसलिए मैं समझता हूं कि अर्थ कमीशन के द्वारा जो कार्य होगा वह इसी रास्ते में एक बड़ा महत्वपूर्ण और अहम कदम होगा।

सर, आखिर में मैं यह कहना चाहूंगा कि आपने चैप्टर 11(60) में बात की हैं कि कोई डिस्क्रिमिनेंशन नहीं होगा जब हम यह डिजास्टर की मदद पहुंचाएंगे तब सेक्स, कास्ट, कम्युनिटी या रिलिजन की बुनियाद पर कोई डिस्क्रिमिनेशन नहीं होगा,लेकिन हमने यह देखा हैं, हमने सुनामी में यह देखा हैं, हमने गुजरात में यह देखा हैं,और हमने कश्मीर में यह देखा हैं कि जब डिजास्टर आता हैं तो हर हिन्दुस्तानी to the last man एक होकर खड़ा हो जाता है। मस्जिदों के अंदर लोगों को जलाने के लिए श्मशान बना दिए जाते हैं, मुसलमानों को दफनाने के लिए मंदिर के लोग सामने आते हैं। यह देखने के लिए डिजास्टर से ज्यादा बढ़िया समय नहीं होता कि हिंदुस्तानी कौन हैं,हिन्दुस्तानी कैसा हैं, हमें हिन्दुस्तानी की परिभाषा वहां नजर आती हैं।

महोदय, एक डिस्क्रिमिनेशन होता हैं, उस डिस्क्रिमिनेशन के लिए भी कुछ करना पड़ेगा, वह हैं राजनैतिक डिस्क्रिमिनेशन, अभी हमने कश्मीर में देखा और सुना साथ ही यह रिर्पोट्स भी आई, यहां मैं उनका नाम नहीं लूंगा कि कुछ राजनैतिक लोगों ने, कुछ राजनैतिक पार्टियों ने, जब डिजास्टर का सामान आया तब उस पर कब्जा कर लिया और उसे अपने गांव में ले गये। वहां पर जो उनके वोटर थे, उन तक वह सामान पहुंचाया और जो उनके विरोधी थे, उन तक सामान नहीं पहुंचाया। उन्होने उसे प्रियॉरिटी बना दिया। तमिलनाडु में ऐसी बहुत सी चीजें देखने को मिली, गुजरात में जब अर्थक्वेक आया था तब बहुत बड़े पैमाने पर यह चीज देखने को मिली, महाराष्ट्र में देखने को मिली। मै धर्म और जाति की बात नहीं करना चाहता,लेकिन हमारे कुछ लोग यह काम करते हैं कि जिस वक्त डिजास्टर की रिलीफ बंटती हैं,रिलीफ पहुंचानी होती हैं, तब वहां पर रिलीजियस डिस्क्रिमिनेशन भी होता हैं, कास्ट डिस्क्रिमिनेशन भी होता हैं, कास्ट डिस्क्रिमिनेशन भी होता हैं,और पॉलिटिकल डिस्क्रिमिनेशन भी होता हैं।

इस डिस्क्रिमिनेशन को खत्म करने लिए इस एथॉरिटी को शुरू से सतर्क रहना होगा और इसके नीचे जो ऑफिसर काम करेंगे, जो ऑफिसर काम करेंगे, जो ऑफिसर आएंगे और जो ब्यूरोक्रेसी क्रिएट करेंगे, उस ब्यूरोक्रेसी के कल्चर में, उस ब्यूरोक्रेसी के जहन में, ब्यूराक्रेसी की सोच में यह बात डालनी होगी कि they have to take into account every region-at the Panchayati level and at the district level. They have to make it clear to the officers. They have to make it clear to the bureaucrats and to all those who are involved, whether political or non-political, they there should be no discrimination at all. Of course, priority has to be there प्रियॉरिटी उन इलाकों की,जहां पर डिजास्टर देश की आम जनता से सबक लेना चाहिए। हम जो राजनैतिक लोग हैं, एथॉरिटी के लोग हैं या जो हमारे एग्जीक्यूटिव्स हैं, उन्हें एवं हमारी ब्यूरोक्रेसी को सबक लेना चाहिए कि जिस समय डिजास्टर होता हैं, उस समय हमारी जनता कोई अंतर नहीं देखती, लेकिन रिलीफ बांटने में

हम यह अंतर दिखाते हैं। इसको भी दूर करने की जरूरत हैं। मैं आपको बंधाई देता हूं कि देर-आयद-दुरूस्त-आयद। इस बिल की बहुत पहले आवश्यकता थी। आज जब यह बिल आया हैं तो बहुत सही समय पर आया हैं और इसके अच्छे नतायज देश के लिए बरामद होंगे। बहुत बहुत शुक्रिया।

**شری شاہد صدیقی"اتر پردیش":** اپ سبھاپتی مہودے، میں اس بل کا سمرتھن کرتا ہوں اور مانئے ہوم منسٹر سے یہ کہنا چاہتا ہوں کہ ہم قانوں بنانے میں، اتھارٹیز بنانے میں، نئے انسٹی ٹیوشن بنانے میں دنیا میں کسی سے پیچھے نہیں ہیں۔ بہت اچھے قانون ہم بناتے آئے ہیں، لیکن اصل یہ ہوتا ہے کہ ہم قانوں کم امپلیمینٹ کر سکیں اور جب ڈیزاسٹر ہونا پڑتا ہے۔ ڈیزارسٹر منجمنٹ کسی ایک اتھارٹی کا کام نہیں ہو سکتا، کسی ایک گروپ کا کام نہیں ہو سکتا یا کسی ایک اسٹی ٹیوشن کا کام نہیں ہو سکتا، بلکہ ڈیزاسٹر منیجمینٹ اور ڈیزاسٹر سے ملنا اور اس سے ٹکرانا پورے نیشن کا، پورے راشٹر کا کام ہوتا ہے۔ اس لئے ہم نے یہ جو بل بنایا ہے، میں یہ کہنا چاہوں گا کہ یہ ایک بہت عمدہ بل ہے، جس میں سارے اسپیکٹس کو آپ نے کور کر لیا ہے۔ شاید جو مین مڈ ڈیزاسٹر ہیں یا جو برڈس فلو کی بات ہوتی ہے، اس طرح کو جو ڈیزاسٹر ہیں، وہ بھی میری سمجھ سے اس کے انترگت آتے ہیں، جسے ہم میٹ کر سکتے ہیں۔ سوال یہ ہے کہ ایسے ڈیزاسٹر کو میٹ کرنے کے لئے ہم اپنے پورے سسٹم کم اوپر سے نیچے تک کتنا استرک کر پائیں گے؟ جیسا ہم نے سنامی میں دیکھا بھی تھا کہ سنامی کے وقت یہ بتانا مشکل ہو رہا تھا کہ کس کو انفارمیشن دی جائے کہ سنامی کا خطرہ ہے، سنامی آنے والا ہے۔ اس کے لئے جو پانچ، آٹھ گھنٹے ویسٹ ہوئے، ان پانچ، آٹھ گھنٹوں میں ہزاروں جانیں چلی گئیں۔

مہودے، آج یہ جو ڈیزاسٹر اتھارٹی کی ضرورت ہے، آپ نے وہ بنائی، لیکن جیسا اہلووالیہ جی نے کہا اور رمیش جی سے بھی کہا، اصل سوال یہ ہے کہ کیسے آپ اس میں عام لوگوں کم انوولو کرتے ہیں؟ میں کہنا چاہوں گا کہ نیشنل ایگزیکئٹیو بنانے کا جو آپ کا پرپوزل ہے، اس میں این-جی – اوز ہیں یا جو ایکسپرٹس ہیں، جو زمین کے لیول پر کام کر رہے ہیں، انکا انوولومینٹ اس میں بہت ضروری ہے۔ پالیٹکل لوگوں کا انوولومینٹ تو آوشئیک ہے ہی، لیکن اس کے ساتھ میں این- جی- اوز جو اس دیش میں بہت بڑے پیمانے پر بہت اچھا کام کر رہے ہیں، ان کا انوولومینٹ بھی ہونا چاہئے، کیوں کہ ان کی وہاں تک، عام لوگوں تک پہنچ ہے۔ بیوروکریسی کے کام کو بھی میں کم نہیں آنکتا۔

بیوروکریسی بھی ڈیزاسٹر مینجمنٹ کے وقت اپنا پورا دھیان لگاتی ہے، اپنی پوری طاقت لگاتی ہے، لیکن اس

†[]Transliteration of Urdu Script.

پر لگام کی ضرورت ہے، صحیح مشوروں کی ضرورت ہے اور یہ کام NGO's کر سکتے ہیں۔

اس کے ساتھ ہی جیسا میں نے پہلے کہا کہ راشٹریہ ریسپانس کی ضرورت ہوتی ہے اور راشٹریہ ریسپانس پالیٹیکل پارٹیز سے زیادہ اور کوئی نہیں کر سکتا۔ اس کے لئے ایک آل پارٹی ڈیزاسٹر ریسپانس کمیٹی بننی چاہئے، جس میں سبھی پارٹیوں کا انوالومنٹ ہو، تاکہ جب کبھی بھی کوئی میجر ڈیزاسٹر آئے، اس کم میٹ کرنے کے لئے آل پارٹی ڈیزاسٹر ریسپانس کمیٹی یا کوئی کاؤنسل موجود ہونی چاہئے، جو کہ آگمنٹ کریگی، راستے کی بادھا نہیں بنے گی، آگمنٹ کریگی اس کام کو جو کام راشٹریہ ڈیزاسٹر منجمنٹ کمیٹی کر رہی ہے۔

سر، ضلع لیول پر، ڈسٹرکٹ لیول پر آپ جو اتھارٹی بنائیں گے، اس میں کم سے کم جو لوکل MP's یا MLA's ہیں، ان کا شامل ہونا بہت ضروری ہے۔ جیسا میرے ساتھیوں نے کہا، اس پوائنٹ کو جتنا امفیسائز کیا جائے کم ہے۔ جب اس طرح کی ڈیزاسٹر ہوتا ہے تو لوگ سب سے پہلے اپنے چنے ہوئے پرتی ندھی کے پاس دوڑتے ہیں کیونکہ وہ ایک ایک آدمی کو جانتا ہے، گاؤں گاؤں کو جانتا ہے، ہر ایک کو جانتا ہے اور کون کہاں پر کیا مدد کر سکتا ہے، کس سے کہاں پر مدد لی جا سکتی ہے، یہ ساری چیزیں اس کے سامنے ہوتی ہیں۔ افسر کہیں اور سے آتا ہے پوسٹنگ پر، حالانکہ بہت سے افسر ایسے ہوتے ہیں جو یہ سب چیزیں جانتے ہیں، لیکن بہت سارے ایسے بھی افسر ہوتے ہیں جن کو ضلع کی پوری طرح سے جانکاری نہیں ہوتی، ضلع کے لوگوں کی جانکاری نہیں ہوتی۔ اس لئے اگر آپ MLAکوMP کو یا پنچایت کے لوگوں کم ڈسٹرکٹ ڈیزاسٹر منجمنٹ اتھارٹی انوالو نہیں کریں گے تو وہ ٹھیک طرح سے کام نہیں کر سکے گی۔ اس لئے اس اتھارٹی کو پوری طرح سے کارگر کشل بنانے کے لئے یہ ضروری ہے کہ آپ اس میں چنے ہوئے پرتی ندھیوں کو چنیں۔

اسی طرح سے ڈیزاسٹر منجمنٹ کو جو نیشنل انسٹی ٹیوٹ بنانے کی بات ہے، اس میں صرف بیوروکریٹس یا پروفیسروں کا ہی انوالمنٹ نہ ہو، بلکہ ان لوگوں کا بھی انوالمنٹ ہو، جو پرانے طریقوں سے پتہ لگا لیتے ہیں اور جن کی بات اہلووالیہ جی نے کی تھی، چاہے وہ لوگ ٹرائبل ایریا میں ہوں، چاہے ہمارے کوسٹل ایریا میں ہوں، جو ان چیزوں کو سمجھتے ہوں، پڑھتے ہیں۔ کچھ ایکسپرٹ ہیں، جو ان ٹرائبل سائنس کی جانکاری رکھتے ہیں۔ ان لوگوں کا بھی اس نیشنل انسٹی ٹیوٹ میں انوالومنٹ ہونا چاہئے اور نیشنل انسٹی ٹیوٹ میں ان سے جو ان پٹ مل سکتا ہے، وہ بھی

†[]Transliteration of Urdu Script.

وہاں پر آنا چاہئے۔ یہ کوئی بیوروکریٹک یا اکیڈمک باڈی نہیں رہنی چاہئے، کیونکہ اگریہ صرف اکیڈمک باڈی رہیگی تو پھر یہ اپنا کام پوری طرح سے نہیں کر سکے گی۔

آپ نے نیشنل ڈیزاسٹر ریسپانس فورس بنانے کی بات بھی کی ہے۔ مجھے پتہ نہیں کہ اس فورس کا کیا اسٹرکچر ہوگا، کون لوگ انوالو ہونگے، کس طریقے سے آپ اس کو افیکٹیو بنائیں گے، لیکن میں چاہونگا کہ اس میں اسکول ہوں، کالج ہوں، اسپتال ہوں، نرسنگ اسٹاف ہو، اس طرح کے لوگوں کو انوالو کیا جائے اورNSS کی طرز پر بچوں کی کوئی ایسی فورس کرئیٹ کی جائے اسکولوں کالجوں کے اندر، جو پوری طرح سے ڈیزاسٹر منجمنٹ کے لئے ٹرینڈ ہو اور ان کو ہم انوالو کر سکیں نیشنل ڈیزاسٹر ریسپانس فورس کے ساتھ، اس کے ساتھ اس کو جوڑ کر، ساتھ لیکر چل سکیں۔

ڈیزاسٹر مٹی گیشن فنڈ کی بات ہے، رمیش جی نے سوال اٹھایا تھا کہ پیسہ کہاں سے آئے گا۔ یقینا یہ پیسہ بھی آجائے گا، پیسہ آیا بھی ہے، لیکن وہی سوال ہے کہ اس پیسے کا صحیح استعمال کیسے ہو، کس طرح سے ہو۔ اس دیش میں ہر ڈیولپمنٹ ایشو کی سب سے بڑی کٹھنائیاں اور مسئلہ یہ ہے کہ پیسہ صحیح طریقے سے صحیح جگہ پر پہنچ پائے، کیونکہ سر، جب ہم ہندوستان کو ایک ڈیولپ نیشن بنانے کی بات کرتے ہیں، جب ہم 9 فیصد وکاس کی بات کرتے ہیں، جب اسے دنیا کا دوسرا تیسرا سب سے وکست دیش بنانے کی بات کرتے ہیں، تو اس کے لئے آج ہمارے سامنے چاہان انیک چیلنج ہیں، ان میں یہ نیشنل ڈیزانسٹر بھی ایک بہت بڑا چیلنج ہے، ہم نے دیکھا کہ جبSARS کا ڈیزاسٹر ہمارے سر پر آیا تھا تو چائنا میں اور فار ایسٹ میں جو ڈیولپمنٹ تھا، گروتھ تھا، یہ کسی طریقے سے کچھ وقت کے لئے ٹھہر گیا تھا۔

کچھ وقت کے لئے ہزاروں کروڑ روپے کا نقصان ہوا۔ ہم نے دیکھا کہ کیٹرینا ڈیزاسٹر سے امریکا جیسے دیش میں کتنا بھاری آرتھک نقصان ہوا۔ اس لئے اگر ہم کو آگے بڑھتا ہے، یہ سارے ڈیولپمینٹل گروتھ کا حصہ ہے۔ ڈیزاسٹر منیجمینٹ میں صرف کچھ لوگوں کی جان بچانے کا سوال نہیں ہے، لوگوں تک سہائتہ پہنچانے کا سوال نہیں ہے، بھارت کو وکست بنانے کا، بھارت کو آگے لے جانے کا جو سوال ہے، اس کے ساتھ یہ نیشنل ڈیزاسٹر منیجمینٹ جڑا ہوا ہے۔ اس لئے یہ بہت ضروری ہے کہ ہم اس میں ہر چیز کی سہائتہ لیں۔ مجھے بہت خوشی ہے، آج کے آخبار میں، میں

†[]Transliteration of Urdu Script.

نے پڑھا کہ ارتھ کمیشن بنانے کی بھی بات ہوئی ہے اور یہ جو ارتھ کمیشن بنانے کی بات ہے، دنیا میں پہلی بار، مجھے نہیں معلوم کہ آپ کے دوارا ابھی تک اس پر کہاں تک کام ہوا ہے یا آپ کہاں تک جا پائیں گے اور اسے منسٹری آف سائنس دیکھے گی یا پھر آپس میں کوئی اور کو آرڈنیشن ہوگا، لیکن یہ ایک بہت ہی افیکٹو انسٹرومینٹ ہو سکتا ہے ڈیزاسٹر منیجمنٹ کا نہیں بلکہ ڈزاسٹر پروڈکشن کا، ڈیزاسٹر کو سمجھنے کا آج جو ہمارے پاس ساری سائنسز اویلیبل ہیں، چاہے وہ انفارمیشن ٹیکنالوجی کی ہے، چاہے وہ ہمارے پاس اسپیس کی سائنس ہے، چاہے ہمارے پاس سٹیلائٹ سسٹم ہے، چاہے ارلی وارننگ سسٹم ہے، جو بھی ساری چیزیں اپلبدھ ہیں، ان سب کو آپس میں جوڑ کر ہمیں لانا ہوگا، ہوتا کیا ہے کہ سبھی اپنی اپنی جگہ الگ الگ کام کر رہے ہیں اور ان کا کوآرڈنیشن نہ ہونے کی وجہ سے جو آج ہمارے پاس اویلیبل سائنسز ہیں، جو ہمارے پاس طریقے ہیں، ہم پوری طرح سے افیکٹیولی ان کا پریوک نہیں کرپاتے ہیں۔ اس لئے ارتھ کمیشن جتنی جلدی انپلیس ہو اور جتنی جلدی اسے لایا جا سکے، میں سمجھتا ہوں کہ یہ اتنا ہی دیش کے ہت میں ہے اور یہ دنیا کے سامنے بھی ایک مثال ہوگی۔ آج جب ہم یہ کہتے ہیں کہ ہمارے پاس اتنی بڑی سائنٹفک فورس ہے اور ہم آئی۔ ٹی۔ کے میدان میں اتنے آگے جا رہے ہیں، تو ہمیں دنیا کو یہ بھی دکھانا ہوگا کہ ہم نئے راستے دکھا کر دنیا کو کچھ دے سکتے ہیں۔ جیسا کہ ہمارے ساتھی نے کہا تھا کہ ہمیں جاپان سے یا یوروپ سے لینے کی ضرورت نہیں ہے، آج ہم اس پوزیشن میں ہیں کہ بہت سی چیزیں انہیں دے سکتے ہیں، اس لئے میں سمجھتا ہوں کہ ارتھ کمیشن کو دوارا جو کام ہوگا وہ اسی راستے میں ایک بڑا اہم قدم ہوگا۔

سر، آخر میں میں یہ کہنا چاہوں گا کہ آپ نے چیپٹر (60) 11 میں بات کی ہے کہ کوئی ڈسکریمنیشن نہیں ہوگا۔ جب یہ ڈزاسٹر کی مدد پہنچائیں گے تب سیکس، کاسٹ،کمیونٹی یا مذہب کی بنیاد پر کوئی ڈسکریمنیشن نہیں ہوگا، لیکن ہم نے یہ دیکھا ہے، ہم نے سنامی میں یہ دیکھا ہے، ہم نے گجرات میں یہ دیکھا ہے اور ہم نے کشمیر میں یہ دیکھا ہے کہ جب ڈیزاسٹر آتا ہے تو ہر ہندوستانیto the last man ایک ہو کر کھڑا ہو جاتا ہے۔ مسلمان مسجدوں کے اندر لوگوں کو جلانے کے لئے شمشان بنا دئے جاتے ہیں، مسلمانوں کو دفنانے کے لئے مندر کے لوگ سامنے آتے ہیں، ڈیزاسٹر سے زیادہ بڑھیا وقت یہ دیکھنے کے لئے نہیں ہوتا کہ ہندوستانی کون ہے، ہندوستانی کیسا ہے۔ ہمیں ہندوستانی کی پری بھاشا وہاں نظر آتی ہے۔

†[]Transliteration of Urdu Script.

مہودے، لیکن ایک ڈسکریمنیشن ہوتا ہے، اس ڈسکریمنیشن کے لئے بھی کچھ کرنا پڑے گا، وہ ہے راجنیتک ڈسکریمنیشن- ابھی ہم نے کشمیر میں دیکھا اور سنا ساتھ ہی یہ رپورٹس بھی آئیں یہاں میں ان کا نام نہیں لوگا کہ کچھ راجنیتک لوگوں نے، کچھ راجنیتک پارٹیوں نے، جب ڈیزاسٹر کا سامان آیا تب اس پر قبضہ کر لیا اور اسے اپنے گاؤں میں لے گئے- وہاں پر جو ان کے ووٹر تھے، ان تک وہ سامان پہنچایا اور جو اس نے ورودھی تھے، ان تک سامان نہیں پہنچایا- انہوں نے اسے پرائرٹی بنا دیا- تمل ناڈو میں ایسی بہت سی چیزیں دیکھنے کو ملیں، گجرات میں جب زلزلہ آیا تھا تب بہت بڑے پیمانے پر یہ چیزیں دیکھنے کم ملیں، مہاراشٹر میں دیکھنے کو ملیں- میں دھرم اور ذات کی بات نہیں کرنا چاہتا، لیکن ہمارے کچھ لوگ یہ کام کرتے ہیں کہ جس وقت ڈیزاسٹر کی ریلیف بنٹتی ہے، ریلیف پہنچانی ہوتی ہے، تب وہاں پر رلیجئس ڈسکریمنیشن بھی ہوتا ہے، وہاں پر کاسٹ ڈسکریمنیشن بھی ہوتا ہے، وہاں پر پالیٹکل ڈسکریمنیشن بھی ہوتا ہے- اس ڈسکریمنیشن کو ختم کرنے کے لئے اس اتھارٹی کم شروع سے استرک رہنا ہوگا اور جو اس کے نیچے جو آفیسر کام کریں گے، جو آفیسرز آئیں گے اور جو بیوروکریسی کرئیٹ کریں گے، اس بیوروکریسی کو کلچر میں، اس بیورکریسی کے ذہن میں، اس بیوروکریسی کی سوچ میں یہ بات ڈالنی ہوگی کہ they have to take into account

every region - at the Panchayati level and at the district level. They have to make It clear to the officers. They have to make it clear to the bureaucrats and to all those who are involved, whether political or non-political, that there should be no discrimination at all. Of course, has priority there be to پرائرٹی ان علاقوں کی، جہاں پر ڈیزاسٹر زیادہ ہے، لیکن ڈسکریمنیشن کسی بھی قیمت پر اس حالت میں نہیں ہونا چاہئے- ہمیں اس دیش کی عام جنتا سے سبق لینا چاہئے- ہم جو راجنیتک لوگ ہیں، اتھارٹی کے لوگ ہیں یا جو ہمارے ایگزکئٹیو ہیں، انہیں اور ہماری بیوروکریسی کو سبق لینا چاہئے کہ جس وقت ڈیزاسٹر ہوتا ہے، اس وقت ہماری عام جنتا کوئی انتر نہیں دیکھتی ہے، لیکن ریلیف بانٹنے میں ہم یہ انتر دکھاتے ہیں- اس کو بھی دور کرنے کی ضرورت ہے، لیکن میں آپ کم بدھائی دیتا ہوں کہ "دیر آید، درست آید"- اس بل کی بہت پہلے ضرورت تھی- آج جب یہ بل آیا ہے تو یہ بہت صحیح وقت پر آیا ہے اور اس کے اچھے نتائج دیش کے لئے برآمد ہوں گے- بہت بہت شکریہ

†[]Transliteration of Urdu Script.

SHRI N. JOTHI: Mr Vice-Chairman, Sir, thank you very much for providing me this opportunity to speak. Instead of generally speaking on the issues, I would like to go clause-by-clause. And, I would like to appeal to the hon. Minister to consider those suggestions. My suggestions would not be in the light of the Opposition, but in the light of the workability. *...(Interruptions)...*

SHRI SHIVRAJ V. PATIL: Will you take it clause-by-clause? They means second reading.

SHRI N. JOTHI: No; no. I would just only be giving suggestions clause-by-clause.

SHRI SHIVRAJ V. PATIL: But the clause-by-clause reading is taken up at the second stage.

THE VICE-CHAIRMAN (PROF. P.J. KURIAN): But he can give suggestions. *..(Interruptions)...*

SHRI SHIVRAJ V PATIL: But, Sir, as per the procedure, the clause-by-clause reading is taken up at the second stage.

SHRI N. JOTHI: No; no I am not reading clause-by-clause. I am only giving suggestions clause-by-clause. I will go clause-by-clause and make my suggestions.'

I come to clause 1. The clause 1 says that different dates may be appointed for different provisions of this Act in different States. In my opinion, it would not be proper. The reason I tell you. I will give two glaring examples from the past experience in these kinds of legislations. In 1962, the Advocates Act came, where section 35 is yet to be notified despite the repeated directions from the Supreme Court. Then recently we had repealed the Monopolies Restricted Practices Act. We had also brought in the Competition Act, in which there was a clause saying that different provisions will be notified on different dates. The Act is yet to be notified fully, there is a lot of confusion. And, the Supreme Court has come down heavily. The Tribunal, created under the repealed Act, is continuing. This is the result of bringing these kinds of clauses. This is a disastrous clause. I appeal to the hon. Minister either he should bring in the Act and make it applicable all over the country or he should keep it in abeyance till he feels it right to bring if forward. The reason behind this is that whenever

there is a calamity or a disaster at a particular place, this Act would definitely be implemented. It means, this Act would implemented. It means, this Act would be applied only when a disastrous situation arises. And, under other circumstances, there is no point in applying the clauses, stage-by-stage, in a piecemeal manner. So, I would like to request you to kindly reconsider clause I, and whenever it is implemented, it should be implemented all over the country.

Now, I come to definition of 'disaster' I appreciate the Home Ministry, and the Home Minister, in particular, for the human touch involved in this. The definition of 'disaster' as per my reading, will not include only the natural calamities, like, tsunami or earthquake or flood, but it will also include railway accidents because the definition says," ..by accident." It means it will also include the railway accidents and the aeroplane accidents. So, this Act would be applicable to such disasters also. If someone wants to apply this Act, don't restrict it. Apply it fully because this Act is brought in with a human touch. It has be made applicable in the case of the railway accidents and the bus to accidents also. Then, it will also be applicable in the case of human negligence also. Whenever there is disastrous situation because of the human negligence, this Act will apply. Because of negligence on the part of one railway employee, a train may get derailed. So, there also this Act will apply. This Act will not apply in natural calamities only. In addition to that, it will apply to crop failures also because the latter portion of the clause says, "destruction of property due to environmental factors . " There is the failure of Bt. Cotton in Maharashtra. So, I appeal to the hon. Minister to have more broad-based applicability of this Act and to have a large-hearted approach while applying this Act. This is my personal request. Let your bureaucrats not resist it later because your definition paves the way for a well-spread applicability, and the horizon of applicability is much more than what we could visualise. This is what definition could indicate, sir.

Then, I could say, there is one small problem in drafting Clause of 3(2). Clause 3(2) says this way, "The National Authority shall consist of such number of Members not exceeding ten, as may be prescribed by the Central Government and unless the rules otherwise provide,..." That means the ten can be increased if the rules indicate. Suppose, a rule is framed for extending more number of persons, then, it can be enlarged, it means that. Sir, I appeal to you that no rule could override an enactment.



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Either you confine it to ten or make it 15, 20, or 25 now itself. The rule cannot enlarge the number indicated in the Act. So, the rules cannot provide any excess persons beyond ten. So, there is some problem in this drafting.

Then, Sir, regarding appointment of members, the discretion is given to the Prime Minister. I bow to the Office of the Prime Minister. I bow to the office of the Chief Minister. But, what is the reality, Sir? What reality we could see? Tamil Nadu is now reeling under heavy floods. We have got only Rs. 500 crores as against Rs.3000 crores we wanted. This is the approach. Sir, there was a long-standing saying in Southern parts that South is being discriminated by the north. It is a long-standing saying. I feel more after coming over here. I do not feel like saying it again and again. If such a situation arises, if nobody is represented from South what will happen, Sir? So, despite the discretion given to the persons, however high he may be, whatever highests office he could have, regional representation should be there. I suggest to hon. Home Minister, suppose, there is a calamity is a calamity in particular State, and you want to give relief to that State, if no such person is represented in that team , kindly add in that, at least, for a temporary time. You must have the Act in such a way that ten will be there, and if the calamity State is not represented among the ten, the affected State should be represented automatically so that the person could meet the Prime Minister and tell what the requirement is. Don't confine to ten, have a large heart to include the affected State representation also, if it is hot represented among the ten. This is my humble submission, sir.

Then, Sir, I feel yet another problem in drafting clause 7. Sir, kindly see Clause 7. It says, "The National Authority may constitute an Advisory Committee to look after the matter at the national level." Sir, who is appointing? The National Authority can appoint an advisory Committee at the National level. There is logic. Kindly read the next sentence, "...Management at the National, State and District level..." Kindly see clause17. Let us have a comparative study. When clause 17 clearly illustrates that the state authority shall have its own advisory Committee and they will appoint district Advisory Committee, where is the need under Clause 7 for the Central Advisory Committee to appoint a State level Advisory Committee and the District level Advisory Committee? So, both are clashing with each other. So, please confine yourself under Clause 7.

This is what I would say, because...*(Interruptions)...*

SHRI SHIVRAJ V PATIL: I think, some misreading is being done...*(Interruptions)...*I Will explain.

SHRI N. JOTHI: I will be obliged Sir, please explain.

SHRI SHIVRAJ V. PATIL: As you know, as far as other clauses are concerned~not more than ten - it is left to State Government or the Union Government to have less number of members than 10, by rules That is number one.

SHRI N. JOTHI: No, Sir, I am reading clause 7...*(Interruptions)...*

SHRI SHIVRAJ V. PATIL: Now you come to clause 7. Read it correctly. It says, "The National may constitute an advisory committee consisting of experts in the field of disaster management at the national, State or district lavel to make recommendations on different aspect of disaster management." They are experts who have the experience of having worked at the district, State and national levels.

SHRI N. JOTHI: No, Sir, I am sorry, Sir. I beg to differ with you. Sir, as Home Minister, you are the ultimate authority. I am only a humble Member. *..(Interruptions)...*

THE VICE-CHAIRMAN (PROF. P.J. KURIAN) : Mr.Jothi, *...(Interruptions)...*

SHRI SHIVRAJ V. PATIL: Let us read every word carefully *...(Interruptions)...*

THE VICE-CHAIRMAN (PROF. P.J. KURIAN): Mr. Jothi, whatever you have to say, you say. It is okay *...(Interruptions)...* You proceed, no problem... *(Interruptions)...*

SHRI SHIVRAJ V. PATIL: We are making a law...*(Interruptions)*...I am not exercising my authority as a Home Minister. I am interpreting the law.

SHRI N. JOTHI: Please, Sir.

SHRI SHIVRAJ V. PATIL: I am saying that the experts shall have the knowledge as to how the disasters are managed at the district, State and National level...*(Interruptions)...*

THE VICE-CHAIRMAN (PROF. P.J. KURIAN): It is okay. Mr. Jothi, whatever you feel, you can say...*(Interruptions)...*

SHRI N. JOTHI: If that is the view of the Home Minister *...(Interruptions)...* that is not reflected here properly.

SHRI SHIVRAJ V. PATIL: Why it is not...*(Interruptions)...*

SHRI N. JOTHI: Yes, I will explain, Sir *...(Interruptions)...*

SHRI JAI RAM RAMESH: Sir, I have a point of order..*(Interruptions)...*

THE VICE-CHAIRMAN (PROF. P.J. KURIAN): Mr. Jothi, please. There is a point of order.

SHRI JAIRAM RAMESH. Is this a meeting of the Standing Committee *or...(Interruptions)...*

SHRI SHIVRAJ V PATIL: In the first reading, we consider the principle; in the second reading, when we go clause-by-clause, we consider these things; otherwise, it will be very difficult for roe to explain all these things. This clause is being misread. This clause does not say that you have an advisory committee which will be working at *the* State level or district level. It says that the advisory committee shall have advisers who have the experience of having worked at the district and the State level. *..(Interruptions)...* That is why this arrangement of rules... *(Interruptions)...*

THE VICE-CHAIRMAN (PROF P.J. KURIAN): That is okay. So, the hon. Minister need not respond now. Let him complete. Then only he will reply.

SHRI SHIVRAJ V PATIL: It will be very difficult for me to *...(Interruptions)...*

THE VICE-CHAIRMAN (PROF P.J. KURIAN): No, you will reply at the time of reply only *...(Interruptions)...*

SHRI N. JOTHI: 1 It will be more difficult for *...(Interruptions)...*

THE VICE- CHAIRMAN ( PROF. P.J.KURIAN) Please Mr. Jothi *...(Interruptions)...*

SHRI SHIVRAJ V. PATH: That is why, Sir, in the first reading you discuss the principles. In the second reading, you take clause by clause, and when you put the clause for the vote of the House, he can get up and speak, at that time, I can reply. That is the arrangement ...*(Interruptions)*...

THE VICE-CHAIRMAN (PROF. P.J. KURIAN): There is a question of time constraint also.

SHRI SHIVRAJ V PATIL: How do you expect me to respond to these things one by one?

THE VICE-CHAIRMAN (PROF. P.J. KURIAN): You need not respond now.

SHRI SHIVRAJ V. PATIL : Okay.

THE VICE-CHAIRMAN ( PROF. P.J. KURIAN): You can do that in the final reply... *(Interruptions)*...

SHRI SHIVRAJ V PATIL: It is not possible for me to remember all these things... *(Interruptions)*...

THE VICE-CHAIRMAN (PROF. P.J. KURIAN): It is up to you.

SHRI SHIVRAJ V PATIL: Please, Sir, remember that the arrangement here is that the Bill is introduced first. In the second stage, you consider the principles. In the third stage, you go clause-by-clause. You explain each and every word, comma and full stop, and then, I am given an opportunity to respond to it, but if you go on doing like this, you will say that you have not explained it ...*(Interruptions)*...

THE VICE-CHAIRMAN (PROF. P.J. KURIAN): But that does not preclude a Member from saying what he wants...*(Interruptions)*...The only point is if a Member wants to speak in a particular way, he can speak. There is no harm in that, but he should not expect a response from the Minister now.

SHRI SHIVRAJ V PATIL: Afterwards also, it is not possible for *me... (Interruptions)*...

SHRI N. JOTHI: Sir, I am going to cover maximum of about 7-8 clauses.

THE VICE-CHAIRMAN (PROF. P.J. KURIAN): But you have already taken much time. How much time have you got, Mr. Jothi? ...*(Interruptions)*... please listen ...*(Interruptions)*...

SHRI N. JOTHI: Sir, I want to say one thing *...(Interruptions)...*

SHRI N.K. PREMACHANDRAN (Kerala): Sir, he is a Member of the Standing Committee.

THE VICE-CHAIRMAN (PROF. P.J. KURIAN): Is he a Member of the Standing Committee?... *(Interruptions)...*

SHRI N. K. PREMACHANDRAN (Kerala): Clause-by-clause consideration took place in the Standing Committee *...(Interruptions)...*

SHRI N. JOTHI: I am a standing Member now *...(Interruptions)...*

THE VICE-CHAIRMAN (PROF. P.J. KURIAN): The point that Shri Jairam Ramesh is making is, are you a Member of the Standing Committee?

SHRI N. JOTHI: Yes, Sir. I am a Member of the Standing Committee.

THE VICE-CHAIRMAN (PROF. P.J. KURIAN): In that case, you must have raised all these things there. The Report is also there...*(Interruptions)...* but the problem is that the Report which has been presented here bears your signatures also. Then how can you disagree with that now? *...(Interruptions)...* How can you disagree with that now? *...(Interruptions)...*

SHRI N. JOTHI: Sir, I will answer *...(Interruptions)...* I will answer *....(Interruptions)...*

SHRI R. SHUNMUGASUNDARAM (Tamil Nadu): He always thinks after the event *....(Interruptions)...*

SHRI P.G. NARAYANAN (Tamil Nadu): Please don't interfere like this *....(Interruptions)..,*

SHRI N. JOTHI: Sir, I had objected to these things in the Standing Committee also *....(Interruptions)...*

THE VICE-CHAIRMAN (PROF P.J. KURIAN): Have you given the dissent note? *...(Interruptions)...* Have you given the dissent note? *...(Interruptions)...* Please *...(Interruptions)...* No; one second. *...(Interruptions)...* Mr. Dhawan, one minute please. *...(Interruptions)...* have you given the dissent note?

SHRI N. JOTHI: I have dissented on several clauses in writing.

THE VICE-CHAIRMAN (PROF. P.J. KURIAN): No what I am saying is that if you have not dissented on these particular clauses on which you are speaking now *...(Interruptions)...*

SHRI N. JOTHI: Sir, I have recorded my dissent on several clauses. *...(Interruptions)...*

SHRI VICE-CHAIRMAN (PROF. P. J. KURIAN): Not several. The point is, *...(Interruptions)...*

SHRI R.K. DHAWAN: (Bihar) In the Standing Committee what happened was that you mentioned a point, then everybody agreed and you also agreed. There is no such dissenting note *...(Interruptions)...*

SHRI V NARAYANASAMY: I am also a member of the Standing Committee. Our senior leader is also a member of the Standing Committee. *...(Interruptions)...*

SHRI N. JOTHI: He is my hon. colleague*....(Interruptions)...*

SHRI V NARAYANASAMY: Sir, most of the issues which he is raising now, he had not raised in the Standing Committee. *...(Interruptions)...*

THE VICE-CHAIRMAN (PROF. P.J. KURIAN) : The point is, the practice here is that, if a Member also happens to be a member of a particular Standing Committee, he is also a part to those decisions which it has teken, I think, he does not have a moral authority tomorrow to stand up and criticise what he did in the committee. This is one thing. The other thing is that if you have given your written dissent on the clauses on which you had dissented there, you can mention those clauses here.

SHRI N. JOTHI: Sir, I would like to submit to the Chair that my right as a Member cannot be curtailed under any circumstances whether I have participated in the proceedings of that Standing Committee or I dissented there or not. My right here is a separate right. *...(Interruptions)...* My right here is separate. *...(Interruptions)...* I am sorry. *...(Interruptions)...*

SHRI V NARAYANASAMY: You are also a Member in that Standing Committee and here also you are a Member. Therefore, you should have *...(Interruptions)...*

SHRI N. JOTHI: So what?...*(Interruptions)...* Therefore, do I lose my right of membership? *...(Interruptions)...*

SHRI SURENDRA LATH (Orissa) : Sir, he is free to speak whatever he wants to speak here *...(Interruptions)...* He cannot stop him. *...(Interruptions)...*

SHRI N. JOTHI: What is this? These are all technical things. *...(Interruptions)...* Do you want to pass this Bill without these observations?...*(Interruptions)...* How can you do this? *...(Interruptions)...*

THE VICE-CHAIRMAN (PROF. P.J. KURIAN ): Mr. Jothi, please. *...(Interruptions)...* Mr. Jothi, please.

**श्री सुरेन्द्र लाठ :** स्टेंडिंग कमेटी में क्या बोला, उससे कोई मतलब नहीं हैं। ...(व्यवधान)....

SHRI S. S. AHLUWALIA: Sir, I want to submit one thing. *...(Interruptions)...*

THE VICE-CHAIRMAN ( PROF. P.J. KURIAN): One minute please. *...(Interruptions)...* Yes; Mr. Ahluwalia.

SHRI S.S. AHLUWALIA: Sir, you have given a ruling about a member of a Standing Committee. As you know, earlier, only the Consultative Committee was there. Our hon. Minister who is now the hon. Home Minister of the country was the Speaker when the concept of Standing Committees was started. Each and every Member of this House is a member of some Standing Committee. So, if you snatch the right of the member of the Standing Committee to participate in the debate, where will you debate? *...(Interruptions)...*

SHRI R. K. DHAWAN: You are referring to every Committee. *...(Interruptions)...*

SHRI S.S. AHLUWALIA: No; no. *...(Interruptions)...*

THE VICE-CHAIRMAN: (PROF P.J. KURIAN): Mr. Ahluwalia, please. See, we are not curtailing the right of any Member. But whatever I have said is that after having consented to something in a Standing Committee *...(Interruptions)...*

SHRI N. JOTHI: I have not consented. *...(Interruptions)...*

THE VICE-CHAIRMAN (PROF.PJ. KURIAN ): Let me say. If you have not dissented in a Committee, it means you have consented. Now, after having consented to in a Committee, coming to the House and speaking in a different way is not proper. That is what I am saying *...(Interruptions)...* I am not taking away the right of any Member. But it is not proper. That is all.

SHRI N. JOTHI: It is neither estoppel nor res judicate. After reading the Bill, I am entitled to say whatever I want to say. I am entitled.

THE VICE-CHAIRMAN (PROF. P. J. KURIAN): Now, Mr. Jothi, your Party had eleven minutes. *...(Interruptions)...* Now, listen, listen. *...(Interruptions)...*

SHRI N. JOTHI: Sir, those were hijacked by other. *...(Interruptions)...*

THE VICE-CHAIRMAN (PROF. P. J. KURIAN): Let me say. Let me give you a warning about time. You have already taken twenty minutes. So, be brief. *...(Interruptions)...*

SHRI N. JOTHI: No; No. Sir, I have taken hardly four minutes. Everybody interfered. *...(Interruptions)...* so, please, Sir, allow me some more time. I am speaking on an important Bill.

THE VICE-CHAIRMAN (PROF. P. J. KURIAN): Be brief. I am only asking you to be brief.

SHRI N. JOTHI: Yes; Sir. Hon. Vice-Chairman, Sir, now let us look into clause 8(b) where several Ministries have been included. But, according to me, one important Ministry has been left out and that is the Ministry of Surface Transport. It should be included. Other Departments have been included. It is because during calamity period, roads are destroyed and there are no ways and means to approach a place. Therefore, the Transport Department should have been included. When even the Ministry of Environment and Forest is being included, the Department of Surface Transport should have been included. It is one of the coordinating Departments. That is what I would like to suggest. Now, I shall come to Clause 40. I would speak only on a few other clauses. It is not that I am opposing the bill *...(Interruptions)...* provided Mr. Narayansamy does not speak *...(Interruptions)...* It is very difficult to continue like this.

4.06 P.M.

SHRI P.G. NARAYANAN: They are taking much of the time.

THE VICE-CHAIRMAN (PROF. P. J. KURIAN): You may address the Chair. Please, don't listen to others. Please, address the Chair.

SHRI N. JOTHI: Yes, Sir. In chapter IX, under Clause 46, a National Fund for disaster Response has been created. There is only one fund; whereas, the State Government, which is already reeling under a financial crunch, has to create four funds. This is as per Clause 48. Where will they go unless you provide the support? There are no ways and means of handing over money to them. Already, much of the States' financial resources have been taken away by means of various Central Government Legislations. Therefore, kindly make a provision wherein you would immediately contribute a certain sum of money.

Sir, yesterday, the Home Minister went and surveyed eight districts of Tamil Nadu, and he could provide only Rs. 500 crores for relief. We feel more shocked by this rather than the shock given to us by the rains. We expect more benevolence from you, Sir. Under the circumstances, if the State is going to create four funds and the Centre can't help the State Government, then what is the point in bringing the Act? So, there must be devolution of funds from the Central Government to the State Government by means of this Act itself. This is what I would like to submit.

Then, I come to something more important-Chapter X, clauses 51, 52, 53 and 54. I would like to humbly mention to the hon. Home Minister, who is himself a lawyer, that Clause 51 prescribes two years' imprisonment for obstruction. Clause 52 is *pari materia,* Clause 53 is also *pari materia* and Clause 54 prescribes a punishment of one year's Imprisonment. There is no problem about these clauses. Unfortunately, as for Clause 55 - I hope the Chair would appreciate my point - the *vicarious liability* is known only in civil consequences, only in torts, not in criminal cases. Suppose 'A' commits a violation, A' alone is to be prosecuted. What has now been stated in Clause 55 is, if a subordinate in a remote area, for example, if a person, a Government employee commits a mistake in Trissur, the Secretary in Trivandrum would be punished, according to Clause 55. This is unheard of in criminal law.

Sir, criminal law is governed by the definition of the term 'offence' under sub-clause 38 of Section 3 of General Clauses Act. Also, the personal liberties are curtailed by the Constitution by sub-clause 1 of Article 20, and also by Article 21, which says in one-and-a-half lines, "the person's liberty could be curtailed only by established procedure by law". Now Sir, how has clause 55 been worded? Clause 55 purports to say that the Head of the Department shall be deemed to be guilty of an offence for the offence committed by somebody elsewhere. This is unheard of, Sir. It was never heard of, not even during the British period. Something very serious needs to be done about this clause, Sir. This is not akin to criminal jurisprudence at all. This was objected to by me even then, but not taken not of. Mr. Dhawan will agree with me that the whole Committee objected to this. I don't know why this has been incorporated in the same format again. Something very serious needs to be done in this regard. No *vicarious liability* in criminal law, is a well-known established constitutional guarantee. This provision is violating it.

PROF. SAIF-UD-DIN SOZ: (Jammu and Kashmir) That has been made clear in Sub-section 2.

SHRI N. JOTHI: Please, do not interrupt, Mr. Professor. When you are taking class, no student will *...(interruption)...*

THE VICE-CHAIRMAN (PROF. P. J. KURIAN): Mr. Jothi, please don't reply to that *...(Interruption)...* You will be losing your time. Please, continue.

SHRI N. JOTHI: Finally, Sir, I would like to say that so many objections were raised against me while stating certain points. Look at the Bill circulated to us along with the errata or the amendments brought by the hon. Home Minister. The clauses in the original Bill are numbering 76, and there is amendments galore, numbering 97. Sir, we have seen the IPC by Lord Macaulay one and half century ago. We have seen how beautifully the Indian Penal Code was drafted. Sir, if you believe that your own Bill is incorrect, an interpolation should be made, additions should be made, and deletions should be incorporated. You take the Bill back, reprint it again and bring it to the House again. This is not the way of presenting the Bill at all. I am not holding the hon. Home Minister responsible for this because he is a very busy person. You have been aided by so many officers and your Secretariat. So many officers are

there. Is it the way of submitting a Bill to the House for consideration? There are 76 clauses and 97 amendments are in the Bill. I have to cut and paste it, keep them reading together and then answer it. I am very sorry. Where are we heading for? What is the calamity occurring to the prime Department, that is, the Home Ministry? Your Department is pioneer in drafting. Your Department should be pioneer in this. I am very sorry, Sir. I would like to say that this is a disastrous drafting and disastrous presentation. Please manage it properly in future. I support the Bill, but not the manner in which it is presented. Thank you.

SHRIMATI VANGA GEETHA (Andhra Pradesh): Thank you, Sir for giving me this opportunity to discuss this Disaster Management Bill, 2005. Sir, we are all aware that many parts of the Indian sub-continent are susceptible to different types of disasters owing to the unique topographic and climatic characteristics. Floods and high winds account for 60 per cent of all disasters in India. Almost 54 per cent of the sub-continent's landmass is vulnerable to earthquakes.

Sir, about 10 crore acres of farmlands are vulnerable to periodic floods. India has 8,000 km coastline prone to cyclones. Sixty-eight percent of the total geographical area is vulnerable to droughts.

During the decade 1990-2000, the country suffered very high losses due to natural calamities. The super-cyclone in Orissa in 1999, the Gujarat earthquake in 2001, the Asian Tsunami and the recent earthquake in Jammu & Kashmir caused losses worth several thousand crores of rupees. The total expenditure on relief and reconstruction in Gujarat alone had been to the extent of Rs. 11,500 crore.

Sir, the House is also aware that the impact of major disasters cannot be mitigated by the provision of immediate relief alone, which is the primary focus of calamity relief efforts. Disasters can have devastating effects on the economy; they cause huge human and economic losses and can cause a serious setback to development efforts of a region or a State.

It is surprising for the disability sector that in the aftermath of the Asian Tsunami disaster, the impact on people with disabilities, both the immediate and long-term, was emphatically and empirically highlighted, using research studies, yet the Government has failed to take cognisance of these inputs and demands.

It is important that the world recognises disaster-affected people not as just passive victims, but as active survivors. Recognising that humanitarian assistance is not an act of harity but a survival right of the affected, may be the first step to break the poverty-vulnerability-disaster-disability cycle. Further, it is widely agreed in the disaster management community that mitigation is the key to effective emergency management. There is usually no way to escape damage altogether, though with adequate preparation attempts can be made to continue operations with minimal harm. Governments are learning to plan ahead, build better, and move people out of harm's way.

Sir, the signifcant feature of disastrous events is that they occur more frequently and result in greater financial and human cost where vulnerability is greatest, namely, in emerging economies.

Sir, the very nature of the natural and manmade disasters is that they are unforeseen, very severe and of high magnitude. It follows that for most of the parts, the disasters cannot be predicted, and, that the resources required to the response and disaster will vary significantly. Two conclusions follow from this. First is the emergency responses. The objectives of emergency responses are to save life, prevent escalation of the event, and relieve suffering by meeting basic needs such as shelter, water, food and medical care. Emergency responses also include the immediate repair or replacement of critical infrastructure.

Sir, a key question is whether infrastructure rehabilitation should be funded from the Contingency Reserve or through the regular budget process. Generally, infrastructure projects require long lead times and can be budgeted for, and, this should be the default position. However, there may be cases where permanent infrastructure is urgently needed and can be fast-tracked, and, in such cases, the Contingency Reserve should be drawn upon.

The Government should take measures through various wings of the Government for preventing and mitigating the effects of the disasters and for undertaking a holistic, coordinated and prompt response to any natural or man-made disasters. There is dire need to train more personnel of the Central Paramilitary Forces for undertaking rescue and relief operations in times of natural calamities.

Sir, I would like to draw the attention of the hon. Minister to the Statement of Objects and Reasons, and, Clause 25, Chapter IV. Sir, according to the Statement of Objects and Reasons, the Disaster Management Bill, 2005 provides for setting up a National Disaster Management Authority under the chairmanship of the Prime Minister, the State Disaster Management Authority under the chairmanship of the State Chief Minister, and, the District Disaster Management Authority under the chairmanship of District Magistrate. Sir, here I have some objection because you are ignoring the local bodies or the local authorities. District Authority is the Chairman, Zilla Parishad. That is why, I request the hon. Home Minister to give the chairmanship of the District Disaster Management Authority to the Chairman, Zilla Parishad who is elected by the people. As far as National Disaster Management Authority is concerned., The Prime Minister is the Chairman, who is elected by the people. At the State level, the Chief Minister is the Chairman, who again is elected by the people. Similarly, the Chairman, Zilla Parishad is elected by the people.

Therefore, I request the hon. Home Minister to appoint the Chairman, Zilla Parishad as the Chairman, District Disaster Management Authority. This is my humble request.

For mitigating the effects of the disasters, I would like to request to have a proper and effective communication system. I would also like to request to improve the forecasting system and have most effective and alert approach. Sir, the awareness programmes are also very much required because sometimes the forecasting authorities warm people not to go to other places. That is why, people's awareness programmes are very much important.

Sir, as far as appointment of Members is concerned, I request that regional balance should be maintained. With these words. I thank you for having given me the opportunity to speak on this Bill.

SHRI V. NARAYANASAMY: Mr. Vice-Chairman, Sir, I am greatful to you for having given me this opportunity to present my views on the Disaster Management Bill, 2005. At the outset, I support the Bill. This is one of the landmark Bills brought in this House by the hon. Home Minister. Two other very important Bills were passed in the earlier Session also—the Rural Employment Guarantee Bill and the Right to Information

Bill. The UPA Government, within a span of one year or so, brought several legislations in this House for the benefit of the common man, for the benefit of the general public, the people who are in need of relief from various agencies of the State Government. Therefore, Sir, I appreciate the steps taken by the hon. Home Minister, especially, in this Bill. The hon. Member from the other side, from the BJP, has been telling. "I think it is the brainchild of the NDA Government at the Centre". I would like to recall that this Bill has not emanated from the NDA Government. A thinking was there in the previous Congress Governments. Then, natural calamities happened and they wanted to bring out a scheme by which instead of going in for taking steps for the purpose of ameliorating the difficulties encountered by the people after a natural calamity, there should be preparedness by the respective State Governments," District administration and also the Central Government. Whenever there is sembalance of natural calamity, to prevent it at the first stage; secondly, when it happens the preparedness for the purpose of mitigating the sufferings of the people; thirdly, relief; and fourthly, rehabilitation of the people concerned. The Bill covers all these aspects. First of all, prevention; secondly, preparedness; thirdly, mitigation of the sufferings of the people who suffer due to the disaster; and then relief and rehabilitation. Sir, while mentioning this—hon. Member Shri Jairam Ramesh was also cocnerned, Mr. Ahluwalia also said—it should not be left to the bureaucracy alone to decide and implement various powers that have been vested in the Bill. In the National-level Committee, there should be public representatives and the people who have knowledge of science and technology. I request the hon. Home Minister to consider this. While constituting a Committee, at least, some provision can be made because the views of the public representatives should be heard at the highest level, instead of bureaucracy alone occupying the position. Coming to the State-level body of the Disaster Management authority, the Members of Parliament may also be involved. This was the strong view expressed by the hon. Members of the Standing Committee. The Members of Parliament from the areas where these national calamities occur frequently, should be represented in the Committee at the national level. That is what the hon. Members have suggested and a recommendation in this regard has also come from the Standing Committee. I would like the hon. Home Minister to consider this aspect also. Sir, in Clauses 25 to 34, there is a very salient provision that there

should be District-level committee, thereafter the Advisory Committee, then the powers of execution by those authorities and then taking the departments of various State Governments for the purpose relief and rehabilitation. This is very important and a noble provision which is actually doing the work in the field. They go to the area, execute the work and do the real relief work at the ground level. In these bodies, at the district level, the Members of Parliament and the Members of the Legislative Assembly should be there. That is what has been suggested by the hon. Members. We would like the hon. Home Minister to consider this. I totally agree with the hon. Members that at the execution level it should not be the act of the bureaucrates alone. A suggestion should come from the public representatives also. The civil societies will be able to guide the Government better. Therefore, I want the representation from those bodies even at the district level. Therefore, I want the hon. Minister to consider this. Sir, there is one suggestion that there should be a Relief Commissioner. The Relief Commissioner is the person who will be doing the work at the ground level. That suggestion has also come. I do not know whether the hon. Home Minister will be considering this aspect. The Relief Commissioner is the person who will be coordinating relief and rehabilitation work with these various bodies. When we go through the entire Bill, there is a general view that the entire border is being taken by the Central Government for relief and rehabilitation. That impression should not be created. The State Authorities and the District-level Authorities should be given the liberty to carry out relief and rehabilitation work and mitigate the sufferings of the people. They will be able to do it better. Monitoring can be done by the National-level Authority; guidance can be given by the National-level Authority; and Executing Body can also coordinate for that purpose. This feeling comes in the minds of the hon. Members when we go through the entire Bill. I want the hon. Home Minister to clarify that point. Planning is important. But the total focus on this Bill should be on execution. That is what we want. Execution is the main thing. So, there should be first planning and then preparedeness to meet a disaster.

I have had an experience when this natural calamity, tsunami, occured. Hon. Members from the other side may also know that relief materials were pouring in, but the State Administration at the District level was not able to properly distribute it to the affected people. Ultimately, nearly 15 per cent of the materials was damaged whether it is grain,

clothing, or milk powder or medicines. Because there was not proper distribution by the District Authorities and it was also not properly coordinated by the State Government. We cannot blame them bacause proper machinery was not there. We have to involve local people of the area, and we have to take them into confidence. Even for the distribution of the material to the affected people, it should not be left to bureaucrats alone.

Sir, I have had an opportunity to meet some Members of Parliament from Japan about 10-15 days back. Japan is most affected by tsunami. They have been telling that whenever there occurs a tsunami, the damages are minmum in Japan. For the last 50-60 years, they have been experiencing it. They have the best system in place, that is the Tsunami Warning System. They have got not only that. Members of Parliament of Japan also told me —one of them was former Minister— that they identify local people and give them training; in that area, they are volunteers. They give them proper training to warm the people when there is going to be a natural calamity and evacuate the people from there to avoid any kind of loss of lives and properly.

When the hon. Home Minister is going to constitute a National Institute for Disaster Management, it should concentrate on, apart from other things, training the people. Training is very important, because it will be very difficult for them to train all the people. You have to identify the people, even Government servants also. But they have to do it voluntarily. We can have these people from rural areas, especially from coastal States, from earthquake-prone areas, to evacuate people from there by giving them warning and thereafter immediately rescuing them from the place. That is very important. And for that, proper training is required in those area where these people are living. Therefore, I request the hon. Home Minister that the concentration should be on training the people for relief and rescue operation whenever a natural calamity occurs.

Sir, after the earthquake in Gujarat, super cyclone in Orissa, tsunami in Tamil Nadu, Pondicherry, Kerala and Andhra Pradesh, and earthquake in Jammu and Kashmir, other Governments are learning how to come out of these crises, these natural calamities. Sir, at this stage of the Bill, if there is any lacuna, I request the hon. Home Minister to have an open mind. And come out with some amendment whenever it is

required. Sir, one more thing I would like to submit. There is a feeling among some States that the State's powers are being taken away by this Bill. That fear has to be removed from the minds of the respective States Governments. This aspect has to be considered. Sir, as fares finance is concerned, the funds are concerned, about which the hon. Member was also elaborating in detail, the mitigation fund and disaster management fund, I would like to submit that depending upon the State Government, at the initial stage also, for relief and rehabilitation, it is very difficult because the States are starved of funds. They have not got sufficient funds, even the Contingency Relief Fund. It is very difficult for them. We have experienced in our State during the first spell of rain, the devastation took place, bridges were washed away, roads were washed away, more than 25 people died and agricultural crops were damaged and labourers didn't have any job, fishermen could not go for fishing, the entire State economy came to a standstill. Then, depending upon the State Government even for the initial expenditure for the contingency relief work, it will be difficult. Therefore, I am very glad that funds have been allocated—a separate fund has been created, long-term and short-term funds have been created. I am very glad about it. But, Sir, the relief and rehabilitation work should not suffer for want of fund. That is very important because by bringing this Bill, we should prove that the Government is able to mitigate the sufferings of the people and come to the rescue of the affected people. Then alone we will be serving the purpose for which this Bill has been brought forward in this House. Therefore, Sir, fund is a very major factor which I want the hon. Home Minister to consider. As far as this Bill is concerned, the final aspect is that some of the States are not coming up to the occasion. Even funds are available. If some States are not able to do the relief work, what is the alternative remedy? In the Standing Committee, a suggestion was given. Then, Section 61 was quoted. They said that the Central Government can issue direction. Article 355 is there. All the suggestions were made. But I would like to submit that the Central Government, though they cannot interfere with the relief work that has been done by the State Government concerned, there should be regular monitoring by the Central Governments on the relief and rehabilitation work being implemented by various States.

Sir, the recent cyclone and rain, you were kind enough to see yesterday, the devastation that took place in Tamil Nadu and also in my State, Pondicherry. Sir, the State Governments now have been asking

for money — Rs. 3,000 crore for Tamil Nadu and we have been asking for Rs. 150 crores. Now, as far as funds are concerned, the immediate release of funds is required as a contingency plan for the purpose of bringing normal life...*(Interruption)...*

SHRI N. JOTHI: Hon'ble Vice-Chairman, if he yields to me for a minute, Sir, Article 355 applies only when external aggression is there and not for these matters. Sorry, he is not correct *...(Interruption)...*

SHRI V. NARAYANASAMY: Sir, I do not want to react to that *...(Interruption)...*

THE VICE-CHAIRMAN (PROF. P.J. KURIAN): Please no arguments*...(Interruption)...* No argument like this. Mr. Jothi, no argument; you said what you wanted to say; now you keep quite.

SHRI V. NARAYANASAMY: Sir, the final point is that in the earlier period, Members of Parliament were making points whenever there was a man-made calamity or a natural calamity that from the Contingency Relief Fund, the fund has to be given to the State Government or from the natural calamity fund that has been allocated, it has to be given. Now by this Bill, that feeling of the Members of Parliament is being allayed. As soon as there is a natural calamity, the district authority, the State Governments and the Central Government start acting. We need not make any representation. They go there, they assess the situation, they provide the relief material and everything is being done because, this is the system which has been evolved under this Bill. Therefore, I laud the provisions of this Bill, I support this Bill, and I am grateful to the hon. Home Minister for having brought forward this Bill for the purpose of mitigating the sufferings of the people who have been affected by the natural calamities and man-made calamities. Thank you.

SHRI N.K. PREMACHANDRAN: Thank you, Mr. Vice-Chairman, Sir. First of all, I take this opportunity to congratulate the hon. Home Minister as Well as the UPA Government for bringing forward this landmark legislation before this House. Sir, while supporting the Disaster Management Bill, 2005, I would like to submit that this is a comprehensive legislation dealing with the relief, rescue and rehabilitation aspects of the natural disasters, and this Bill is giving a legislative sanction to the disaster management activities throughout the country. Structural and systematic management of the relief and rehabilitation measures are being ensured

by way of this legislation. Nowadays, it is well-known to everybody that natural disaster has become the order of the day. Even now, when we are discussing the Disaster Management Bill, 2005 in this House, lakhs of people are suffering from floods in Tamil Nadu, and even with the help of entire system and machinery, we are not able to provide full relief and rescue operations. When such a situation is existing in our country, at the right time, we are discussing the Disaster Management Bill, so that we can have an effective mechanism to deal with such a situation when it arises. So, once again, I take this opportunity to congratulate this Government, especially, for the vast authority that is being given to the National Disaster Management Authority, the State Disaster Management Authority and the District Disaster Management Authority. This empowerment of various authorities at various levels would enable them to act in advance to mitigate the effect of the calamity on the people, and to have an effective remedy for the affected people and the affected areas. But, at the same time, I would like to submit one thing. Many hon. Members have already cited this point that prevention is better than cure. That is an accepted world principle. Considering that principle, we should also have a scientific mechanism to predict the climatic conditions, which create calamities in pur country and across the world. Sir, the recent experiences, especially in US, of Katrina and Rita have shown how the US has been able to predict these natural calamities well in advance. Though these calamities took place in the coastal areas of US, they were able to predict them in advance and a massive evacuation programme was undertaken by the US Government well in advance as a result of which the extent of damage and casualties out of these natural disasters were reduced to the minimum. They could reduce the extent of damage due to the availability of scientific mechanism for predicting such calamities. Similarly, just now, so many hon. Members have spoken on this point that we should have some modern, scientific mechanism to predict all these things for which sufficient finances have to be provided. I also remember that in this House during the Question Hour, while the hon. Minister, Shri Kapil Sibal, was answering the question on scientific monitoring system, he referred to lack of funds from the Government. He is doing a wonderful work in this field. I would submit that the financial aspect should be given a top priority, when we discuss about the Disaster Management Bill, we should also decide about financing the scientific monitoring system or advance scientific system so that we can predict in

advance about the calamities which may arise in future. So, that is my first suggestion. Now, I come to the provisions of the Bill. I am having two, three apprehensions in this matter. Firstly, what is the role of the NGOs in this Bill ? The Minister may reply that the role of the non-governmental organizations, the voluntary organizations, is missing in this Bill. There is not adequate representation given to the NGOs in this Bill. So many Authorities, Sub-Committees and advisory Committees have been constituted as per various provisions of the Bill. But it is nowhere stated that any representatives of the voluntary organizations have to be there in any of the Authorities. Nothing is mentioned in this Bill in this regard. According to our experience in the aftermath of tsunami, we know that when the Government machinery failed in the relief and rehabilitation operations, the NGOs have come to the rescue of the affected people and have acted in a proper way. From my experience, you may also come to know that in Kerala State, 2,226 houses were constructed not by the Government, but by the voluntary organisations; they were not being constructed at the expense of the Exchequer, but at the expense of the NGOs and various voluntary organisations, including spiritual organisations. So, what is the role of NGOs, according to this Bill? Whether a clause been incorporated to give adequate representation to NGOs enabling them to render their services, this is my first apprehension.

My second apprehension is about the role of local bodies. It has also been cited by many hon. Members that adequate representation is not being given to the local bodies. Sir, after the 73rd and 74th amendments of the Constitution, the Panchayati Raj institutions and the Nagar Palika institutions are being empowered in a better way. Many powers which were vested with the State Governments have been transferred to the local bodies. Many subjects have been transferred to them. Now, we are discussing about the disaster management. I will cite an example here. The National Disaster Management Authority is being headed by the hon. Prime Minister, whoever, he may be, and the State Disaster Management Authority is being chaired by the hon. Chief Minister, whoever he may be. But when we come to the district level, the District Disaster Management Authority is being headed either by a District Magistrate or by a Collector. Why is it so, Sir? You are giving respect to the hon. Prime Minister and the hon. Chief Minister. They are the ex-*officio* Chairmen of the State level and the national level authority. What is the harm in having the Zilla Panchayat President being a Chairperson

of the District Disaster Management Authority? That means we are not concerned about the local bodies. You are not ready to empower the local bodies or the local institutions. After an amendment, it has now come to the House that this Zilla Panchayat President is also an elected person.

SHRI SHIVRAJ V. PATH: Will you kindly yield for a minute?

SHRI N. K. PREMACHANDRAN: Yes, Sir.

SHRI SHIVRAJ V. PATIL: This point has been made by many other Members, and very rightly. This was made in the Standing Committee also. We have accepted the concept that the Zilla Parishad President should be the co-Chairman of this body; we are moving an amendment, and it will be passed. So, the argument which you are now making, we have already accepted.

THE VICE-CHAIRMAN (PROF. P.J. KURIAN): It is already accepted. An amendment is coming. You should be happy now.

SHRI N.K. PREMACHANDRAN: Thank you, Sir, for the amendment. Even then, he will be becoming or she will be becoming only the co-Chairperson.

THE VICE-CHAIRMAN (PROF. P.J. KURIAN) Something is better than nothing.

SHRI N.K. PREMACHANDRAN: Okay. Something is better than nothing.

SHRI V NARAYANASAMY: Sir, we have partially succeeded.

SHRI N.K. PREMACHANDRAN: Now, I come to the third apprehension regarding the people's representatives. That has also been cited by others. The people's representatives should be given a role in these Committees; whether it is *ex-officio* or otherwise, some role should be given to the Members of parliament or to the Members of Legislative Assemblies because they are directly involved in the disaster management activities.

Coming to the Bill, I was hearing hon. Jairam Ramesh. He was making a new suggestion or an observation. He has said that this Bill is applicable only to the natural calamities. So, I would like to seek a clarification from the hon. Minister because in sub-clause 2(d) of 'Definitions' it is very well

stated that it is man-made as well as natural; I am not going into the details of the clause for want of time. It is very specific. If that be the case, a rail accident or a bus accident or an accident which occurs due to a human negligence, will definitely come within the purview of this term 'disaster'. So, this Bill will also be applicable to disaster caused by human negligence as far as sub-clause 2(d) of 'Definitions' is concerned.

Sir, I am coming to another point regarding the multiplicity of Committees. Sir, when we go through the Bill-this is my apprehension; I am only seeking a clarification from the hon.Minister-there are so many Committees. There is a National Disaster Management Authority. There is an advisory Committee to advise the National Disaster Management Authority. Then there is an Executive Committee to assist the National Disaster Management Authority. There are so many sub-Committees also. There is a multiplicity of Committees. The disaster management activity is a voluntary activity. Whenever a contingency arises, whenever an exigency arises, we have to act. These activities cannot be done according to rules. As per clause 10, the prime responsibility for the implementation of the policies of the authorities and the national plan is vested with the National Executive Committee. That means, it is a pucca bureaucratic Committee because the *ex-officio* Chairperson of the National Executive Committee is the Secretary of the Government who is holding the administration of the Disaster Management, whichever be the portfolio. The prime responsibility is totally fixed upon the National Executive Committee. That is a bureaucratic body. How it will function, we all know that. That is why I am saying the non-Governmental organisations and voluntary organisations are taking part in the rescue and rehabilitation process, but they do not find any role in this. The bureaucracy is totally dominating these Committees.

Then clause 12 talks about minimum requirements to be provided to the affected people. One thing is missing here. There is no mention of clothing. Food, shelter, medicine sanitation everything is there, but clothing is missing here. Clothing is also the primary requirement of the affected people. So just like other things clothing should also be given preference so far as primary requirements are concerned. Therefore, clothing should be incorporated in this clause.

My next point is about clause 54. It says, "Whoever makes or circulates a false alarm or warning as to disaster or its severity or

magnitude, leading to panic, shall on conviction, be punishable with imprisonment which may extend to one year or with fine." That means, if a scientific authority or a Government authority makes an announcement or prediction, and if it proves to be wrong, definitely he will be imprisoned for one year. That means no prediction will be made in future. Is this the approach we are taking? We have experienced it so many times. Earlier also some predictions were made and subsequently those predictions were found to be wrong. Now you may be predicting on the basis of a scientific data. Suppose, your prediction proves to be wrong, definitely you would be sent to jail. What will happen is, you would not make any prediction in future. I would request the hon. Minister to look into this provision.

Now so many funds have been created. There is the National Disaster Response Fund to immediately respond. There is the National Disaster Mitigation fund. We are having National Calamity Contingency Fund. We are having NCF and the Prime Minister's Distress Relief Fund. There are so many funds. I would like to know about the management and accounting of these funds. What will be the position of the National Calamity Contingency Fund? What will be the position of NCF and the Prime Minister's Distress Relief fund? The same pattern is going to be followed at the State and district levels. They are also collecting money and receiving money as response fund and mitigation fund. I would like to know about auditing of these funds.

With these words, I take this opportunity to congratulate the Government for coming forward with such a landmark legislation in the independent India. Thank you.

**श्री कृपाल परमार** (हिमाचल प्रदेश) :धन्यवाद उपसभाध्यक्ष महोदय, मैं गृह मंत्री जी द्वारा राष्ट्रीय आपदा प्रबंधन विधेयक, 2005 का समर्थन करने के लिए खड़ा हुआ हूं।। मान्यवर, अगर पृथ्वी की रचना को देखा जाए तो लावों की गेंद पर जमीं हुई चन्द परतो और उन परतों पर बसी हुई जिंदगी और उस पर इंसान जो खुद को जमीन का शासक कहलाता हैं वह प्राकृतिक आपदाओं के सामने इस तरह असहाय, मजबूर और बौना दिखाई देता हैं जैसा कि यहां हाल में तमिलनाडु में आने वाली सुनामी लहरें हो या कश्मीर का भूकम्प हो वहां इंसान इतना असहाय दीखता हैं और अपने ही बनाए हुए घरों के नीचे दबकर प्राण देता हैं। जब सब कुछ उजड़ जाता हैं तब वहां पर सहायता पहुंचती हैं-कुछ शवों का संस्कार करने के लिए और कुछ बचे हुए लोगों के जख्मों पर मरहम लगाने के लिए। मान्यवर, बीसवीं सदी का सबसे बड़ा भूकम्प हिमाचल प्रदेश के कांगड़ा

जिले में 4 अप्रैल, 1905 को सुबह 6 बजे आया था और आज के मौजूदा जिले, कांगड़ा, ऊना, और हमीरपुर, चम्बा के लगभग एक लाख की आबादी में से एक चौथाई लोगों को लील कर गया था। महोदय, वहां के गैजेट्स में लिखा हैं कि वहां पर लोगों को राहत की सामग्री तीन दिन बाद पहुंचनी शुरू हुई थी क्योंकि सड़के और पुल, सभी तहस-नहस हो गए थे और ऐसा ही आजकल भी होता हैं। मैं मानता हूं कि किसी प्राकृतिक या मानवंकृत आपदा के कारण होने वाली बर्बादी को बाद में जिस ढंग से निपटा जाता हैं, उसके लिए इस अधिनियम में पहले से तैयारी करना भी शामिल होना चाहिए।

मान्यवर, जब भूकम्प आता हैं, सुनामी की लहरें आती हैं या फ्लड आते हैं तो वहां पर बचे हुए लोगों को राहत सबसे पहले उन्ही लोगों से मिलती हैं, जो वहां पर, उस एरिया में बच जाती हैं। अगर उन लोगों को इस तरीके की अपदाओं से जूझने के लिए ट्रेन्ड किया जाए तो वे बचे हुए लोगों की मरहम-पट्टी और दबे हुए लोगों को निकालने के लिए सुचारू रूप से काम कर सकते हैं क्योंकि जब तक प्रशासन और बाहर के लोग वहां तक पहुंच आते हैं, बहुत से लोग वहां तक पहुंच आते हैं, बहुत से लोग मेडिकल एड की सुविधाओं के बिना ही दम तोड़ देते हैं। कश्मीर के अभी हाल में आए भूकम्प में हमने देखा हैं कि जिस तरीके से पूरे इलाके की सड़के, पुल और संचार व्यवस्था अस्त-व्यस्त हो गयी, तब वहां बहुत से लोग इस कारण दम तोड़ गए कि वहां पर राहत सामग्री और मेडिकल एड समय पर नहीं पहुंच पायी। मान्यवर, जितनी भी आपदाए आती हैं, उनमे देखा जाता हैं कि अधिकाशं मौते अपने ही घरों के नीचे दबकर होती हैं। इसलिए मेरा माननीय गृह मंत्री जी से निवेदन हैं कि इस बिल में इस बात का प्रावधान करें कि जो क्षेत्र भूकम्प से प्राभावित हो सकते हैं, सुनामी से प्राभावित हो सकते हैं, फ्लड से प्राभावित हो सकते हैं और जहां पर मकान गिरने से लोगों की मौतें होती हैं, उन इलाकों में, वहां के राजमिस्त्रियों को, वहां के लोगों को घर बनाने के लिए उस तकनीक का ज्ञान हो, जिसमें प्रॉपर sesismis measure के साथ घर बनें ताकि भूकम्प आए और मकान गिरें भी तो माल का नुकसान तो हो लेकिन लोगों की जान सुरक्षित रहे।

मान्यवर, मैं माननीय मंत्री जी का ध्यान इस बिल के पृष्ठ दो पर, जहां पर इन्होन"आपदा" को डिफाइन किया हैं, "दो" के भाग "घ" की ओर दिलाना चाहता हूं। "आपदा" से प्राकृतिक या मानवकृत कारणों या दुर्घटना या उपेक्षा से उद्भूत कोई महाविपत्ति, अनिष्ट, विपत्ति या घोर घटना अभिप्रेत हैं, जो किसी क्षेत्र को प्रभावित करती हैं,जिसका परणिाम जीवन को सारवान हानि मानवीय पीड़ाए, कष्ट या संपत्ति को हानि या नुकसान और उसका विनाश या पर्यावरण को नुकसान या अवक्रमण हैं और ऐसी प्रकृति या परिणाम का हैं, जो प्रभावित क्षेत्र के समुदाय की सामना करने की क्षमता से परे हैं, यानी, वहां के उस समुदाय की उस विपत्ति से निपटने की क्षमता से बाहर हो। मैं माननीय मंत्री जी से निवेदन करता हूं कि "समुदाय" की जगह वहां पर "राज्य" होना चाहिए। क्योकि आपदा किसी समुदाय विशेष के लिए नहीं होती और

आपदा से निपटना इस वैलफैयर गवर्नमेंट के तहत उस स्टेट की जिम्मेदारी हैं, डिस्ट्रिक्ट अथॉरिटी की जिम्मेदारी हैं, इसलिए "समुदाय" की जगह यह जिम्मेदारी " स्टेट" की होनी चाहिए, अगर माननीय मंत्री जी ऐसा परिवर्तन करें, तो मैं उनका धन्यवादी रहूंगा।

माननीय उपसभाध्यक्ष महोदय, अंत में मैं माननीय मंत्री जी से यही निवेदन करता हूं कि संयोग से 2005 में यह विधेयक लाया जा रहा हैं और जिस आपदा के हमारे पास आंकडे हैं, वह सौ साल पहले जैसा, कि मैने हिमाचल प्रदेश के कांगड़ा जिले में भूकम्प की बात की और सौ साल के दौरान हिंदुस्तान में भिन्न-भिन्न इलाकों में हजारों आपदाएं आई, साइक्लोन्स आए-.उड़ीसा के साइक्लोन का जिक्र किया जा सकता हैं, गुजरात के भूकम्प का जिक्र किया जा सकता हैं, महाराष्ट्र के भूकम्प का जिक्र किया जा सकता हैं, तमिलनाडु की सुनामी लहरो से हुए नुकसान का जिक्र किया जा सकता हैं-मैं सोचता हूं और इस बात से सहमत हूं कि सौ साल बाद ही सही, हम एक ऐसे मसले पर बात करने के लिए आज एकत्र हुए हैं,जिस पर कोई दो भिन्न वचिार नहीं हो सकते। मैं मानता हूं कि सौ साल बाद ही सही, अगर ऐसा प्राधिकरण, जो सच में जिन लोगों को आपदाओं के बाद सरकारी सहायता की जरूरत होती हैं, उन तक पहुंचे। जिस तरीके से मुझसे पूर्व वक्ताओं ने भी कहा कि इन कमेटियों में जिला स्तर पर, राज्य स्तर पर विधायकों और सांसदों को शामिल किया जाना चाहिए ताकि विपदा की घड़ी मे वे अपने मतदाताओं के साथ, अपने लोगों के साथ खड़े हो सकें और ठीक से उनकी देखरेख कर सकें। मैं यह भी मानता हूं कि सौ सालों में इन महामारियों और विपदाओं में मरे हूए हिंदुस्तान के लोगों के लिए यह सच्ची श्रद्धांजलि हैं और उनकी आत्माएं आज हमें आशीष दे रही होगी कि सौ साल बाद ही सही, इस देश ने उन आपदाओं से लड़ने का प्रबंध किया। मैं सौ साल के दौरान इन आपदाओं में मरे भारतवासियों को श्रद्धांजलि अर्पित करते हुए इस विधेयक का समर्थन करता हूं, धन्यवाद।

PROF. SAIF-UD-DIN SOZ : Mr. Vice-Chairman, Sir, before I give my comments on the Bill, on the substance and also refer to Jammu and Kashmir, I would like to have a word on the structure of the Bill.

Shri N. Jothi was talking about clause 55.1 found clause 55, its sub-clauses (1) and (2), both perfect in substance and expression. But in clause 56,1 find an expression which is inapropriate. Unfortunately, the hon. Home Minister is not here. But the Minister who is in-charge in his absence in the House may kindly see the 51st line. Now, duties are not imposed; duties are assigned. Here, the word 'imposed' has to be substituted by the word 'assigned'. I want a quick response from the Home Minister. But he is not here. 'Must' is not an appropriate expression here. The expression has to be 'assigned'. So, the hon. Minister who is in-charge of the Bill, in the absence of the hon. Home Minister, here, may

quickly pass it on to him. The hon. Defence Minister is here. Perhaps, he may throw some light.

THE MINISTER OF DEFENCE (SHRI PRANAB MUKHERJEE): Well, normally, we take care of these things at the time of the clause-by-clause consideration- It will be appropriate if you raise it at that time. The Minister will be able to reply.

PROF. SAIF-UD-DIN SOZ: All right, Sir.

[MR. DEPUTY CHAIRMAN in the Chair]

Mr. Deputy Chairman, Sir, I offer congratulations to the Government of India, particularly the hon. Prime Minister for having made it possible for us to discuss such a very important measure. I know personally how the UPA Chairperson, Madam Sonia Gandhi was deeply interested that such a measure should come before the Parliament. My thanks to the hon. Home Minister who piloted this Bill today. We learnt the need for managing disasters only when the Tsunami came.

Sir, recently, we saw that happend in Jammu and Kashmir. When I talk of Jammu and Kashmir, I have to share with this august House that the people of Jammu and Kashmir feel very grateful to the Government of India for its very quick response to the situation of disaster in Jammu and Kashmir State. In fact, after 15 hours of that disaster, *i.e.* very early in the next morning, Madam Sonia Gandhi, accompanied by the hon. Defence Minister, the hon. Member, Ambikaji, the then Urban Development Minister and others visited Uri and Tangdhar. It was a heartening situation that even at that moment the Army was in command, when a Major General got up to explain on the map, we could see how the Army had responded very quickly, both in Tangdhar and Uri. Subsequently, the next day, the hon. Prime Minister arrived and he announced adequate relief to Jammu and Kashmir State. While the total amount of Rs. 642 crores was committed, the hon. Prime Minister said that if more money was needed, it would be provided. I want to say in this august house that relief operations have been going on in full swing, and the Government of India's response has been appreciated by the people of Jammu and Kashmir State. Part of the money that has been earmarked has been distributed for reconstruction of houses, and many Ministries like Defence", home, Telecommunications, Food Supplies and Urban

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Development have participated in this effort. And so also some NGOs have offered aid, like Dharti, a Jain Sangathan which has committed to raise 670 prefabricated structures, and NGOs like the Rajiv Gandhi Foundation and the Congress Party's Sewa Dal have rendered very great help. This is what has been appearing in the Vernacular Press. Therefore, I am discussing it because the Vernacular Press is not monitored perfectly in Delhi. Therefore, I want to tell this august house that the disaster-stricken people felt very much obliged. On the occasion of Eid, the personal gesture of Madam Sonia Gandhi to provide ration to all the affected villages was very much appreciated. On the occasion of Eid, rice, sugar, etc., was distributed very promptly. It appeared in the Urdu Press there. The people of Kashmir thanked Madam Sonia Gandhi for this gesture. It was a very timely response, I must say. But, they will deserve much more. Since the channels of communications are open, I feel convinced about the work done by the Government of India and many NGOs. There was a complaint by some intellectuals, including Ms. Barkna Dutt who said that the response from NGOs was wanting in substance. I think, she was wrong because I know because I know so many NGOs that have been in the field and some of our very good and honest officers...

MR. DEPUTY CHAIRMAN: Mr. Soz, will you please sit down for a few minutes? I would like to take the sense of the House for laying the statements of hon. Ministers. The statements will be laid now and discussion or clarifications will be taken up later.

SOME HON. MEMBERS: Yes, Sir.

## STATEMENTS BY MINISTERS

**Relief and rehabilitation in the aftermath of the Jammu and Kashmir earthquakes;**

**Heavy rainfall and floods in various States and relief operations undertaken by the Governments;**

**Serial bomb blasts in Delhi on the 29th October, 2005;**

**Terrorists violence in Jammu and Kashmir;**